

HAMILTON FISH

The Inner History of the Grant Administration

ALLAN NEVINS

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HAMILTON FISH
THE INNER HISTORY
OF THE GRANT ADMINISTRATION



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HAMILTON FISH AS SECRETARY OF STATE

HAMILTON FISH

The Inner History of the Grant Administration

By

ALLAN NEVINS

AUTHOR OF
"GROVER CLEVELAND"

With an Introduction by
JOHN BASSETT MOORE

ILLUSTRATED

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This book is inscribed to one of the most distinguished of Hamilton Fish's successors, the Honorable Cordell Hull; an unwearied and effective worker for international peace, and a leader who, finding international trade in fetters, has done all that one courageous man could to liberate it.

PREFACE

IN presenting so full a reconstruction of American history 1869-1877 as is embodied in this volume, I feel that a special word of explanation is required. The completeness of this revision of history, the wealth of new lights upon men and events, was made possible by the scope and richness of Hamilton Fish's papers. In particular, all readers interested in this sordid and troubled period owe a debt of gratitude to Hamilton Fish for his elaborate diary. Amid the cares of office he somehow found time to leave a record more voluminous than that of Gideon Welles or James K. Polk, only less imposing than that of John Quincy Adams. Covering eight crowded years, it is a record of somewhat curious quality. It is detached, objective, unemotional; except at rare intervals it avoids the expression of personal feeling or confidential opinion; it is in general a bare summary of what was said and done in Fish's presence. Diplomatic affairs are for the most part kept in the foreground, political affairs in the background. The objectivity of style may at first irritate the reader. But historically, it perhaps increases rather than decreases the value of the record. Here is none of the prejudice to be found in Welles, none of the ill-governed and waspish emotion so frequent in Adams' *Memoirs*. It is an honest chronicle of day to day events, written without the slightest subsequent editing by a calm and honest man.

In doing history a service by keeping a diary and preserving an enormous mass of correspondence, Hamilton Fish also did himself a service. He has hitherto been the most obscure of the really eminent American leaders of the nineteenth century. The reason is that little has thus far been known of his acts, motives, and accomplishments. For reasons not here necessary to state, the preparation of a biography of this commanding figure was repeatedly delayed. It is now almost sixty years since he retired from office, almost forty-five since his death. Yet this volume constitutes the first real effort to treat the achievements of one of our ablest Secretaries of State, of by far the strongest member of the Grant Administration—the leader who, as these pages show, saved that Administration from total disgrace. Because of the lack of a biography, this true statesman has remained but a *nominis umbra* while mere politicians of the period have impressed the public imagination. Ordi-

narily it would be difficult, after the lapse of so many years, to give substance to the shadow. But the diary offers so vivid a picture of the Grant Administration as Fish saw it, it enables us to appraise his motives and delineate his acts so accurately, that he should now stand forth in something like his true stature. If so, from the shadows of the Reconstruction years there will at last emerge one of the most distinguished and admirable of all American political leaders in his time.

I have tried to combine the two objects stated in my title: To present first the life of Hamilton Fish, to unveil next much of the inner history of the Grant Administration. It will be seen that, apart from the introductory portion on Fish's early life and the concluding chapter on his later years, the book falls into two divisions. The first, 1869-73, is primarily concerned with his activities in the field of foreign affairs. Seldom have our foreign relations been more threatening, confused, and interesting; these pages attempt to show how he kept the peace with Spain and Great Britain when any less skilful and resolute man would have involved the nation in war. The second division is concerned chiefly with the political history of the Grant Administration and the jungle of corruption and misfeasance which threatened to choke it. I believe that the attentive reader will find here one of the most deeply disturbing chronicles in the history of the American people. During the years 1873-77 our foreign relations were relatively quiet; Fish was compelled by grim necessity to pay more and more attention to domestic affairs; again and again he saved the government from misfortune, once or twice even from disaster. I have tried to present this dark story honestly, as he saw it and as later research can verify it. At all points I have been on my guard against unjustly maligning any person. The historian of such a period must take great care lest he become an assassin of character. I have passed harsh judgments on many men, but only when the evidence seemed to me full and irresistible.

Let me also say what I have not attempted to do. While I have endeavored to present a general history of our foreign relations as Fish conducted them, I have not attempted to make the record exhaustive and exhausting. It would have been easy to double the length of the book by adding chapters on "Relations with Central America under Fish," "Relations with China under Fish," "Relations with Russia under Fish," and so on. My book is intended for the general reader and ordinary student, not the pedant and specialist. There is much material

for monograph writers in this field, and to monograph writers a biographer may leave it. I have tried not to let Hamilton Fish and the broad outlines of his work become buried under a mass of detail, thus defeating my chief purpose while attaining a less valuable object.

For the extreme compression of this book some explanation may be necessary. I have brought within one volume (somewhat smaller than a number of recent novels!) material which would ordinarily be expanded into two, three, or even four. I have kept within about one hundred pages the record of the first sixty years of Fish's life; within about thirty pages the record of his last twenty years. I believe—I hope—that this has been done without the loss of any vital material, or indeed any material at all save that which monograph writers may be trusted to present, or which will appear in the complete diary when published. It is planned to bring out the diary, or the best part of it, within a few years. Any expansion of the volume beyond its present bounds would have restricted its circulation in a way unfair (as it seemed to me and to advisers whom I consulted) to Fish's reputation after its long obscuration, and to the fresh matter it presents. Of the innumerable quotations it contains, all but a handful, and those clearly indicated, appear for the first time in print. It seemed desirable that such a work should reach a general rather than a specialized body of readers.

The author cannot here thank even a small fraction of the men and women who have assisted him with this volume. But he must mention gratefully the aid of four special students of the period, Professor James Phinney Baxter, 3rd, Professor Lester B. Shippee, Professor C. C. Tansill, and Mrs. H. W. Wells, who have read much or all of it in manuscript and given invaluable suggestions; the aid of Mr. Graham C. Lovejoy and Mr. Reinhard H. Luthin in finding and using special collections of papers; and the aid of Mr. Frank E. Hill and Mr. Sidney Ratner in verifying references and improving the form of the work. The heirs of Hamilton Fish, acting through Hamilton Fish, Jr., temporarily placed the diary and correspondence in the library of Columbia University, and generously gave the author its use without the slightest restriction or obligation. They also furnished much valuable information. Lastly, the author must thank President Nicholas Murray Butler of Columbia University, who has taken a warm interest in the biography from its inception, and has made suggestions derived from his personal acquaintance with Mr. Fish.

INTRODUCTION

BY JOHN BASSETT MOORE

HAD I written the life of Hamilton Fish, as I at one time hoped to do, it was my intention to put in the forefront, as a condensed commentary on his career, a sentiment uttered by an ancient writer of great renown, who said: "The words of wise men are heard in quiet more than the cry of him that ruleth among fools."¹ As the valedictorian of his class in college, Hamilton Fish made an address, but it was in Latin, and was not designed to stir the emotions of his hearers. In his twenty years of active practice at the bar, he was known as a sagacious and trusty counselor, but not as a forensic orator. If his competitors for elective offices looked forward with anxiety to the final poll, it was not because he had promised the earth and the fulness thereof to the unfortunate, or had shaken the hustings with stentorian blasts. As lieutenant-governor, and then as governor, of his native State, he discharged his duties firmly and effectively, but without any attempt at theatrical display. In the Congress of the United States, first as a member of the House and then as a senator, he made no speeches; but in the work of the committees he did his full share, and, in the determination of questions of law and of policy, his colleagues would have told you that his judgment was weighty. In the arts of political showmanship, he was wholly unschooled; that he should seek to win or to hold popular favor by reckless enchantments and sudden shifts, was inconceivable. Commanding in figure, and with clear-cut features, giving the impression of strength, dignity and self-possession; firm in his convictions, but considerate of the rights and opinions of others; social in his instincts and habits, and truly interested in his fellow men in all stations of life, he made his way in their confidence and esteem by the faithful and capable performance of all his duties, public and private, as a citizen and a man.

To these general and fundamental explanations of Hamilton Fish's career as a whole, there is yet to be added a special qualification for the supreme and particular service he was to render as Secretary of State. As the descendant of early settlers, and as the son of a patriot who was

¹ Ecclesiastes, ix, 17.

a friend of Washington and of Hamilton, he inherited the American traditions which found their consummation in the independence of the United States and the establishment of the Federal Constitution. The American patriots of the eighteenth century, like the leaders in England's "glorious revolution" of the century before, considered their measures to be essentially conservative; conservative, not in the reactionary sense, but in the sense of preserving rights and liberties which they were accustomed to regard as their birthright. Having achieved this end, they naturally desired an opportunity to work out their own destiny in their own way; and of such an opportunity they conceived the first condition to be the avoidance of commitments that would make them subservient to the interests and adventures of other powers. On this fundamental principle, which was formulated by Washington and by Jefferson in similar terms, statesmen of all shades of opinion on domestic questions were in accord. When, therefore, the wars growing out of the French Revolution began, Washington, with Jefferson as his Secretary of State, issued a proclamation of neutrality, while Hamilton, as Secretary of the Treasury, took part in the formulation of measures to carry it out. When, shortly afterwards, Genet, the new French minister, arrived with instructions to bring about "a mutual understanding to defend the empire of liberty wherever it can be embraced," the sedate administration of the day, callous to the prospect of making the world "safe for democracy" by blood and iron, turned a deaf ear to all unneutral suggestions and modestly adhered to the rational course set forth in its proclamation.

It was in the days of this earlier and sober tradition, and at a critical juncture in his country's history, that Hamilton Fish, in assuming the office of Secretary of State, took over the conduct of foreign affairs. The great civil war, the far reaching effects of which time continues to unfold, had come to its nominal close less than five years before. The ship of state, straining at its chains and uncertain of its moorings, tossed restlessly in troubled waters. At home the efforts of the victors, according to the then current phrase, "to preserve the results of the war," were raising new issues that were destined to be long and bitterly contested. Abroad there were at least two major possibilities of strife. Of these the more ramifying, though less imminent, was the state of the relations between the United States and Great Britain. The other was more apparent to the public eye. In the autumn of 1868 coincident rev-

olutions in Spain and in Cuba, accompanied with the usual tales of dark and bloody deeds, caused many restless spirits to feel that the appointed time for the acquisition of the "ever faithful isle" by the United States had at last come. On the eve of the civil war in the United States, Lincoln had quietly but decisively put aside a suggestion to divert attention from differences at home by an aggressive foreign policy. Had Grant seen fit to take this course, he might have discovered in intervention in Cuba a providential opportunity. But his Secretary of State was not of that mind. He was, indeed, resolutely opposed to the use of temporary expedients for the purpose of obscuring deep-seated issues or of deferring their permanent solution. Intervention in Cuba necessarily meant war; and he preferred a legal peace to a politic war, even in the alluring drapery of idealistic gauze. To this preference he consistently adhered throughout the eight years of his service as Secretary of State. Occasionally he indicated, probably more for strategic than for personal reasons, a willingness to lay down his burden. President Grant, however, repulsed all such suggestions, and, with a sure and discerning judgment, steadfastly refused to drop his pilot.

At no time since the close of the war of 1812 had the outlook for friendly relations between the United States and Great Britain been so unpromising as it was when Hamilton Fish became Secretary of State. Nor had the intervening years by any means been free from serious disputes. Differences, such as those relating to boundaries, to maritime rights, and to the control and use of the proposed interoceanic canal, had so often recurred as to seem to be chronic; but, when they became acute, they were settled or appeased. Moreover, by the Marcy-Elgin treaty of 1854, not only had the old controversy concerning the North Atlantic fisheries been adjusted for an indefinite time, but there had also been established between the United States and the British possessions in North America a system of reciprocity in commerce and in navigation which was steadily contributing to the growth of a good understanding based on mutual interest. Thus the impression had come to prevail that there existed a residuum of common good will on which the two countries might rely when there was need of reconciliation.

When the civil war in the United States came to an end this goodly prospect had suffered an eclipse, and the faith in a residuum of British good will had been superseded by a deep-seated resentment of national injuries for which it was believed that the British government should

be required to make compensation. Chief among these were the claims generically known as the *Alabama* claims, for depredations committed on American shipping and commerce by Confederate cruisers fitted out in British jurisdiction in violation of what were deemed to be the settled rules of neutrality. There were, besides, other causes of friction which contributed to the loss of confidence in the future. Various conditions and incidents on the Canadian frontier had given rise to complaints and claims. The controversy over the San Juan water boundary, which was in train of settlement before the civil war, was revived. The Marcy-Elgin treaty was, on notice duly given by the United States, to expire in June 1865, thus reviving the exasperating controversy over the fisheries; and, as if these troubles were not enough, there came the outbreak of Fenianism, dragging with it the vexed question of the right of expatriation, which had figured in the disputes that led up to the war of 1812.

The situation was further complicated by a well meant but impulsive attempt, in the expiring months of President Johnson's administration, to settle all differences between the two countries by a series of conventions concluded in London. In May 1868 Charles Francis Adams, who had during seven trying years loyally defended his country's rights with unsurpassed ability, candor and usefulness, retired from his post as minister to England. The new conventions were negotiated and signed by his successor, and only one of them in any form survived. Most unfortunate of all was the general claims convention, indefinite in its terms and conjectural in its arbitral processes, into which the *Alabama* claims were promiscuously swept without even a distinctive mention. The inevitable and contumelious rejection of this arrangement by the Senate, and the coincident and authorized publication of Senator Sumner's speech, bitterly denouncing the convention for its slight of the "massive grievance" of the United States growing out of Great Britain's unneutral conduct, and estimating the national and individual claims as running indefinitely beyond a hundred million dollars, necessarily rendered a settlement more difficult, and, by aggravating a situation already highly critical, increased the dangerous possibilities of any error in act, in speech, or in judgment.

Such was the posture of affairs when Hamilton Fish took upon himself the burden of Secretary of State. He made no announcement of brave intentions. He uttered no forecasts, favorable or unfavorable,

conciliatory or bellicose. This was not his way of doing things. He had in his mind a well-matured and definite plan, and he understood that its execution would take time. He knew that causes of irritation must be avoided, but that no concession must be made from his country's lawful and substantial rights. In this spirit he went quietly to work, eventually to bring about an international conference, at Washington, after such previous accords as would tend to assure a friendly agreement instead of a rupture. The results mark a bright page in history. The celebrated Joint High Commission, which met in Washington two years later, was distinctively his handiwork. The four diplomatic notes under which it was constituted he later described as "the official particulars of twenty months' secret diplomacy"; but the diplomacy was secret only in the sense that the preliminary discussions were tentative and confidential, and not in the sense that there remained pledges or understandings of which the public was not informed. The Joint High Commission was organized on February 27, 1871, and on May 8, 1871, there was signed the great Treaty of Washington. I venture to call it great because it embraced, in its comprehensive scheme, plans for the settlement of the *Alabama* claims, and of other claims growing out of the civil war; the adjustment of the fisheries dispute; the free navigation, in all future time, of the rivers St. Lawrence, Yukon, Porcupine, and Stikine; the common use of certain canals in Canada and in the United States by the inhabitants of the two countries on terms of equality, and the settlement of the dispute relating to the San Juan water boundary. Not only because of the fact that it provided for four distinct arbitrations, but also because of the magnitude of the questions submitted, it was the greatest treaty of actual and immediate arbitration the world had ever seen; and it still holds that preeminence. Moreover, the high-water mark of international arbitration was reached in the proceedings and the award of the Geneva tribunal, under which there was paid to the United States the sum of \$15,500,000 in satisfaction of the *Alabama* claims. Primacy being conceded to the treaty of peace by which our independence was acknowledged and our boundaries defined, the next place may fairly be claimed for the treaty of May 8, 1871. In one particular this treaty and the Jay treaty of 1794 are comparable, each having marked a turning point in the relations between the United States and Great Britain and set the face of the two nations toward peace. The two treaties were also alike in submitting to

arbitration claims based on an alleged failure to perform neutral duties; but in 1794 the claims were against the United States and were small in amount, and there was no room for the charge that the conduct of the government had been influenced by unfriendly feeling.

The course pursued by the subject of this biography in respect of Spain and the revolution in Cuba was characteristic of him as a man and a statesman. There were persons about President Grant who were strongly for intervention, and there was no lack of popular sentiment to support such a policy. The case of the *Virginian* brought the United States and Spain to the verge of war, and but for the firm resolve and masterly management of Hamilton Fish, there is every reason to believe that war would have ensued. Nor did his peaceful labors end with his effort to preserve friendly relations between Spain and his own country. As president of the Spanish Peace Conference at Washington, he was instrumental in bringing about, in 1872, the agreement which brought to a formal close the state of war that had long persisted between Spain and the allied republics of Peru, Chile, Bolivia, and Ecuador. This was the most notable of all the mediations in which the United States had engaged.

Not only was Hamilton Fish disinclined to adventurous courses, but he was dominated by a sense of justice and legality that pervaded his whole life; and with this exalting trait he united a dignity, a modesty, and a freedom from the desire for self-exploitation to an extent rarely found. It is not extravagant to say that in the public life of his time there was no one who more comprehensively and more harmoniously united these great qualities. In his intercourse with his fellow men, whether at home or abroad, he had no occasion to feel that his standing might be enhanced by an air of superiority, nor had he any reason, by acts either offensive or submissive, to betray a want of confidence in himself.

In all the phases of his career Mr. Fish had in Mrs. Fish an exceptional helpmeet, who shared his high principles, intelligently sympathized in his aims, and bore an individual part in the dispensation of a dignified and gracious hospitality. Especially was this observed in the eight years during which her husband filled the office of Secretary of State. In those eventful times, which were more or less characterized by the unsettled conditions that inevitably followed the civil war, it was a matter of general remark that the attitude and conduct of the

Secretary of State and his wife were a steady influence in the social life of the national capital; and for a time at least there were weekly meetings of the ladies of the cabinet, under the auspices of Mrs. Fish, for the discussions of questions which then fell within their sphere of action.

It was characteristic of Hamilton Fish that he always took his duties seriously, never lightly. Among the offices he longest held were that of a trustee of Columbia College, which he assumed 1840, and that of President-General of the Society of the Cincinnati, to which he was elected in 1854; and after 1859 he was chairman of the Columbia trustees. In none of the various posts which he held did he regard his function as merely consultative or submissively advisory. Always most painstaking and exact in the performance of his duties, he invariably formed an independent judgment, on which he acted and voted.

It fell to my lot to enter the Department of State at Washington in 1885, eight years after Mr. Fish had ceased to be its guiding head. The department was still permeated with his influence. His diplomatic papers and his decisions were cited with an assurance and a respect that savored of finality; but this was not all. Few Secretaries of State had known the personnel of the department both by name and by face so well as he did. Faithful service was expected; a record was kept of what was done, and efficiency was duly rewarded. His attitude, however, was far from that of a taskmaster. It was, on the contrary, rather that of a sympathetic friend, who neither forgot even the humblest of those who served with him nor failed on occasion to give proofs of his remembrance. Among those who shared with Hamilton Fish the burdens of the day in the State Department from 1869-77, this constant human element specially hallowed the great tradition that clusters about him as one who, by wise and patriotic measures of the first magnitude, contributed to the welfare of his country, and to the peace, order and prosperity of the world.

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ON March 12, 1869, eight days after the inauguration of Ulysses S. Grant as President of the United States, the press of the nation announced the appointment of Hamilton Fish of New York as Secretary of State. To many politicians, watching jealously the initial steps of a new and unpredictable Chief Magistrate, the choice was a staggering surprise. To the press and public it was a decidedly refreshing surprise. But it astonished nobody more than Hamilton Fish himself.

For until the announcement came this quiet ex-Governor and ex-Senator had believed that he was in permanent retirement from public life. A gentleman of old American lineage, ample wealth, and conservative temperament, he had spent nearly twenty years in active politics. He had served the Whig Party as Congressman and lieutenant-governor; after a term as governor, he had been Seward's colleague in the Senate. In these offices his work had been able, though never conspicuously brilliant and never connected with dramatic events. To no office had he been reëlected. When he had retired from political life twelve years earlier, in 1857, he had intended to devote himself to general civic and philanthropic labors. Now, in 1869, he was sixty years old. His sudden elevation to the first place in Grant's Cabinet, in the midst of all the turmoil of Reconstruction, and with grave problems in foreign affairs confronting the nation, was an honor so totally unanticipated as to be startling. And if he could have foreseen that for eight years to come he would sustain a crushing load of toil—that he would have to face repeated crises in external relations, would be compelled to ride the storms of party warfare, domestic maladministration, and general corruption, and would in the end become the strongest figure in one of our most troubled Administrations—he would have been more than startled; he would have been dismayed.

Yet this was to be his rôle. He had closed a modestly distinguished career. Now, on the threshold of age, he was to begin another and far greater one. Few other men in our history have thus superimposed an impressive work as statesman, between sixty and seventy, upon an inconspicuous early service; and no other has ever bridged two eras in quite the way Hamilton Fish did.

This fact must stamp a peculiar character upon any biography of the man. The first sixty years of his life touched the course of the nation in no important respect; the next eight years affected its destiny, and to some extent that of other nations, in vital particulars. It is these years which are significant, and to them this volume must be primarily devoted. The long foreground—relatively uneventful, modestly useful—can be treated only as the pathway to the main arena of his life, as a protracted preparation for the tempestuous responsibilities of his later years. Yet as a preparatory process a clear understanding of it is necessary. His heritage and training were far from commonplace. They gave him an unusual sense of the early traditions of the republic. They confirmed in him an innate hatred of war, a love of conciliation and peace, that were destined to mould his activities as Secretary of State. They taught him calmness and patience in dealing with complex affairs and adverse circumstances. Although long years separated Hamilton Fish the Whig governor from Hamilton Fish the Republican Secretary, although it is sometimes hard to believe that one lifetime could contain two such divergent careers, he was essentially the same man in both periods, and the sixty quiet years were a distinct preparation for the eight of grim battle which followed.

I

New York in 1808, though the largest of American cities, still occupied only the southern end of the beautiful island of Manhattan. Its ninety thousand inhabitants dwelt amid traditions, now long since faded, which were then still vivid—especially vivid to the older stock. They were traditions of the Dutch burghers who had been founders of the city; of the British families later dominant in the aristocracy of the royal colony, and the British officials who had moulded its polity; of the passionate partisans of liberty, McDougall, Sears, and Scott, who had led the way in asserting American independence; of Federalists like John Jay, Gouverneur Morris, and Alexander Hamilton who during the early years of the republic had asserted the primacy of the rich, the well-born, and the educated; and of solid merchants like the Astors, Le Roys, and Gracies who had built fortunes upon traffic in furs, new lands, or commodities brought from overseas.

When Hamilton Fish was born on lower Manhattan, August 3,

1808, he inherited all of these traditions in a singularly direct and intimate way. Through his mother, Elizabeth Stuyvesant Fish, he was descended from Peter Stuyvesant, the peppery wooden-legged governor who had ruled New Amsterdam when England conquered it. Indeed, he had been born in the Bowerie Village, then on the north-eastern outskirts of New York City proper, on land which his mother had inherited from her father, Petrus Stuyvesant, and in a street named for her family.¹ This street, though considerably shortened, survives today, and the handsome house in which Hamilton Fish was reared—No. 21 Stuyvesant—still stands, just south of Tenth Street on the present East Side.² He was baptized in a church a few hundred feet from this house, St. Mark's-in-the-Bowery, which had been erected (1795-1799) on land given by Petrus Stuyvesant; all this area once having been part of the Great Bouwerie Farm of the old Dutch governor. Elizabeth Fish also gave her son, through her mother, who had been Margaret Livingston, granddaughter of Robert Livingston, first lord of the manor of that name, the blood of a great New York family of Scottish origin. Nicholas Fish, the father, had been an enterprising young patriot during the struggle for American independence; he was later a staunch and prominent Federalist; and he was heir to a solid if modest mercantile tradition. It will be seen that most of the important associations of old New York thus attached themselves to Hamilton Fish, welcomed as the fourth child and first son of one of the most respected and distinguished families of the city.³

From an early age he was conscious of this rich inheritance. The fame of the Stuyvesants, their lands, the various evidences of their past grandeur, constituted an important element in the life of the little suburban community in which he spent his boyhood. In those days the Bowerie Village was set in a rural area of trees, fields, and marshes, with the East River lapping against Ortley's Dock at a spot which is now dry land, lost under the crowded buildings of Avenues A and B. Here, in a little basin where fishing boats could be hired, the boys of the neighbor-

¹ Hamilton Fish left in his papers a four-page account of Stuyvesant Street as he remembered it; originally it ran from the Bowery northeast to the East River.

² Though battered by time and hemmed in by tenements, this house, with its wide Ionic-pillared doorway, warm red bricks, and ten large windows, kept to the end of the century an air of cheeriness and gentility. *Harper's Weekly*, December 9, 1893, contains a good photograph.

³ Mr. Stuyvesant Fish in 1929 published a careful volume of more than two hundred pages, *Ancestors of Hamilton Fish and Julia Ursin Niemcewicz Kean, His Wife*, containing full and precise genealogical information.

hood joyously splashed on hot days; and here at the age of seven Hamilton Fish was once rescued from the river half-drowned.⁴ Near his home stood three other houses which Petrus Stuyvesant, his grandfather, had given to his aunts, Margaret, Judith, and Cornelia; and the lad heard also of the four streets which Petrus, inheritor of the peppery governor, had named for his daughters, but which had been wiped out when in 1807 the new city plan of numbered streets and avenues had been established. Once in early manhood Hamilton Fish asked his uncle, Peter Gerard Stuyvesant, to show him the site of Governor Stuyvesant's old farmhouse. The uncle led him to a spot about two hundred feet east of Third Avenue, between Twelve and Thirteenth Streets, near the famous pear-tree planted by the governor—a tree which Philip Hone reported in bloom as late as 1848. Here he pointed to a pile of stones. They were the vestiges of the governor's well. "I remember when we drew water from it," Stuyvesant told his nephew.

Thus the Dutch tradition, the oldest in New York, was a vital force for the growing boy. He always felt a special pride in it, and in later life some writers attributed his calm, deliberate, tenacious character to his Stuyvesant lineage. Yet actually his blood was predominantly English and Scottish. Even his mother was less than half Dutch, for the Stuyvesants had intermarried with New Yorkers of British descent; while his father was of pure English ancestry.⁵ Nor should it be thought that the Stuyvesants, great as the name seemed, were in 1808 deemed more important than the Fishes. As a matter of fact, in that year Nicholas Fish was probably held in somewhat higher regard by most people than any Stuyvesant.⁶ His family, which he traced back through eastern Long Island and Massachusetts of early Puritan days to its origins in Warwickshire, was an honorable one, and Fish himself had played an heroic part in the Revolution. The Stuyvesants, on the other hand, had long been "land poor," while they had shown a decidedly lukewarm spirit during the struggle for independence. Petrus, Elizabeth's father, had remained on Manhattan during the British occupation, and in all probability only the sterling record of the Livingstons,

⁴ I. N. Phelps Stokes, *Iconography of New York City*; City History Club, *Historical Handbook of New York City*; Hamilton Fish, MS notes on Stuyvesant Street.

⁵ The Bayard family appears in the direct line of Mrs. Nicholas Fish's ancestry, and also the Beekmans. Robert Livingston, first lord of the manor, had come from Scotland in 1674.

⁶ Stuyvesant Fish to author, March 2, 1936. Cf. Cuyler Reynolds, *Genealogical and Family History of Southern New York and the Hudson River Valley*, III, 1139, 1376, 1380; W. W. Spooner, ed., *Historic Families of America*, III, 113, 133-144, 221, 229, 334.

his wife's family, saved his acres from confiscation after the peace of 1783.⁷ But Nicholas Fish had been one of the most ardent and popular of New York City's patriots.

The three great personal influences upon Hamilton Fish in his early years were his father, his mother, and his wealthy uncle Peter Gerard Stuyvesant; and of these his father was unquestionably the chief. Colonel Nicholas Fish had married in his late maturity, and his son's christening was held upon his fiftieth birthday. As Hamilton developed a youthful curiosity about the past, he heard much from his vigorous and witty father upon events of pre-Revolutionary and Revolutionary days.

II

The Fishes were an old colonial family, the American progenitor, Jonathan, having reached Massachusetts about 1634, and Newtown, L. I., in 1653. Nicholas had been born in New York City in 1758, the son of a merchant of substantial means. He had attended the College of New Jersey at Princeton for nearly a year. Then in 1774, at the age of sixteen, he began studying law in the office of John Morin Scott. Scott was a rich and prominent Whig, a founder of the Sons of Liberty, the radical leader who entertained John Adams on his way to the Continental Congress—impressing the New Englander by his handsome mansion, elegant furniture and silver, and delicious melons and peaches. Richard Varick was a fellow-student; while Fish also fell in with two high-spirited young men of King's College, Alexander Hamilton and Robert Troup.⁸ All four belonged in 1774 to a small debating club at the college. Fish attended the great gathering in The Fields just after the news of the Boston Port Bill, and saw his friend Hamilton lifted to the platform to electrify the crowd by his eloquence. He also heard Hamilton read some of his political essays of 1774-75 prior to their publication. With Hamilton, he drilled in the volunteer corps called Hearts of Oak; wearing a green uniform and leather cap adorned with the motto, *Liberty or Death!* On the memorable Sunday, April 23, 1775, when a horseman clattered down Broadway at noon with the news of Lexington, he forgot his lawbooks. First he joined Malcolm's New York Regiment. After

⁷ "Lived within the lines" was long a phrase of reproach; Cf. Robert Troup to Rufus King, *King Correspondence*, April 4, 1800.

⁸ Gertrude Atherton's *The Conqueror* gives a vivid sketch of this patriotic group of young men.

weeks of hard training he was made brigade-major under Scott (now a general), on August 9, 1776; and a few months later, at eighteen, was commissioned a major in the Second New York Regiment of the Continental Line. From that date until Yorktown was captured he was ceaselessly in the field.⁹

Our sole concern with Nicholas Fish's military career is for the picture which it deeply imprinted upon his son's mind. It is a striking fact that when the United States celebrated its centennial in 1876, its Secretary of State and the second officer in its government, there being no Vice President, was a man whose father had fought beside Washington and Lafayette. Hamilton Fish always felt a vivid interest in Revolutionary history and a strong reverence for the early leaders of the republic. His father told him how he had fought in the disastrous battle of Long Island, where his friend Troup was captured.¹⁰ He told the boy of the tense anxiety which all officers felt as Washington's shattered army, 9,000 men, made its retreat to Manhattan under a lucky fog; and of how, at the last minute, he rode back into the mist and saved a regiment—Colonel Hasbrouck's—which was in danger of being left behind. He related how he had talked with Washington in the library of the Morris house on upper Manhattan, abandoned by its loyalist owner. He told how after the battle of White Plains he was put in charge of a sloop bringing some loyalist women, Mrs. Inglis, Mrs. Livingston, Mrs. Moore, and others, with their children, down the Hudson under a flag of truce.¹¹ In New York bay he was invited aboard a British warship. At that time his mother lay mortally ill in the city. He requested permission of the British authorities to visit her. But they refused—he believed in the hope that he would return to British allegiance rather than miss a last visit to her; and he rejoined his command at Fishkill without the interview.

There were still other Revolutionary memories which Hamilton Fish gathered from his father and always treasured in memory. The veteran

⁹ The Fish Papers contain many copies of letters to and from Nicholas Fish; for an accurate brief sketch of his military career, see the *Dictionary of American Biography*. For the friendship with Richard Varick, see Major Nicholas Fish's affidavit at West Point, November 5, 1780; Fish Papers. For the friendship with Hamilton, see Nicholas Fish's interesting exchange of letters with Timothy Pickering, 1822–25, in the Pickering MSS, vols. 15, 16, and 32, Massachusetts Historical Society.

¹⁰ Memoranda by Hamilton Fish in Fish Papers, undated.

¹¹ See Heath MSS, Vol. 33, Massachusetts Historical Society, for Nicholas Fish's letter to General Heath, December 23, 1776, on this party; some eighteen or twenty persons were sent down to New York.

described how he fought at Saratoga, and then hurried from the field to help defend Albany against Sir Edward Clinton. He recalled how after the battle in the burning sun at Monmouth, he broke his fast on corned beef and bread furnished him by the disgraced General Charles Lee. He had accompanied George Clinton's brigade in Sullivan's expedition against the Indians and Tories. In 1778 Steuben appointed him a division inspector—declaring that he would make an excellent officer in the best European army. Later he was with Lafayette's force in Virginia. At Yorktown he was second in command to Hamilton in the capture of the redoubts on October 14, 1781, and organized the defense of the positions the moment they were taken. In the summer of 1783 he had accompanied Washington, Hamilton, George Clinton, and others on a tour of upper New York, covering some 700 miles on horseback in eighteen days.¹² That fall he was with Washington in the famous interview with Sir Guy Carleton at which the evacuation of New York City was arranged, and dined with the general and Sir Guy on the latter's warship *Perseverance*.¹³ In brief, he had seen as much of the long conflict as one soldier could. He was one of the most trusted of New York officers, held the warm regard of Washington and Lafayette, and at the end was brevetted lieutenant-colonel.

The son also heard something of his adventurous later service. Early in 1785 an Indian war threatened the Northwest. The Continental Congress called for militia, and on April 26, the New York Council of Appointment made Fish major of a force for the protection of the frontier. During 1785-86 he was stationed at Fort McIntosh and other points on the Ohio, rising to be head of his regiment.¹⁴ From 1786 to 1793 he was the first adjutant-general of the State; and in the latter year, war with England seeming possible, he and Baron Steuben surveyed Hell Gate and the Narrows with the object of erecting forts and batteries. President Washington in 1794 appointed him Supervisor of Revenue.

Long before the birth of Hamilton Fish his father had become an important landholder in upper New York. Revolutionary officers were rewarded by the State government with generous grants. In addition, Nicholas Fish purchased large tracts, probably by buying land-warrants

¹² *Magazine of American History*, IV, 158; "Itinerary of General Washington." Cf. Washington's *Writings*, Sparks Ed., VIII, 488.

¹³ K. M. Roof, *Col. William Smith and Lady*, 45.

¹⁴ A large body of military correspondence in the Fish Papers shows that he raised the New York contingent of troops, and moved them from West Point to Pittsburgh. Cf. Francis B. Heitman, *Historical Register and Dictionary of the U. S. Army*, I, 81 ff.

from private soldiers. By 1808 he held areas in Tioga, Oswego, and Oneida Counties in the central part of the State, and about Potsdam and Malone in the northern part. He had also inherited property at Newtown, L. I., while Petrus Stuyvesant bequeathed some valuable land on Manhattan Island to him and his wife in common. As population increased in the city and in upper New York, the management of his holdings required much time.

During Hamilton Fish's early years his father also gave much attention to politics and unpaid civic work. From 1806 to 1817 he represented his ward in the board of aldermen. He was chairman of the board of trustees of Columbia College from 1816 to 1832, and prominent in the Society of the Cincinnati, having been president of the New York State branch from 1797 to 1804. Some of the boy's first clear memories were of the War of 1812; he always recalled how on a cold December day he was taken down to the East River to see the British frigate *Macedonian*, captured by Decatur of the *United States*, brought in. In this war his father was a member of the city committee of defense, and directed a vast amount of fortifying. As early as the youngster could recall, his father was a vestryman (1805-21) and then warden (1821-35) of St. Mark's Church, while for some years he sat on the standing committee of the Episcopal diocese.¹⁵ In 1810 and 1811 he was the unsuccessful nominee for lieutenant-governor.¹⁶ Once he ran for Congress, but by a few hundred votes missed such a seat in the House as was later held by his son, grandson, and great-grandson. He remained vigorous and energetic until past seventy; indeed, at seventy-three (in 1831) he was chosen president of the newly-incorporated Butchers' and Drovers' Bank.

Handsome, genial, and shrewd, the colonel was long one of the most popular figures in Federalist circles. No. 21 Stuyvesant Street was the centre of bustling social and political activities. The growing boy frequently saw such Federalist leaders as Rufus King, Matthew Clarkson, and Richard Varick. He remembered eagerly watching Gouverneur Morris' coach drive up to the door, and wondering how the wooden-legged hero would alight.¹⁷ Distinguished New England Federalists, like Oliver Wolcott and Timothy Pickering, occasionally stayed over-

¹⁵ Hamilton Fish's uncle, Peter Gerard Stuyvesant, was also long a warden; *Memorial of St. Mark's Church in the Bowery*, Printed by the Vestry (1899).

¹⁶ D. S. Alexander, *Political History of the State of New York*, I, 173, 185.

¹⁷ MS notes of conversations with Hamilton Fish by his daughter, Mrs. Sidney Webster; Fish Papers.

night. Between Mrs. Hamilton and Colonel Fish existed a lifelong bond. Alexander Hamilton had asked Fish to be his second against Burr, the colonel refusing because of conscientious scruples against duelling. Fish was an executor under Hamilton's will, he corresponded with Pickering upon the choice of a biographer, and he frequently visited Mrs. Hamilton. The boy became well acquainted with two of Hamilton's sons, John and James. Inevitably, he drew in Federalist principles with every breath, until they were second nature.

In some respects the household kept a curious flavor of the past—not archaic, but in a good sense old-fashioned. In manners, morals, and religious observances the discipline was strict. Family worship was maintained and the youngster was taught his Bible. The household lived with dignity; Colonel Fish kept a carriage and pair and the ample grounds contained a greenhouse. Both the Fish and Stuyvesant families had been slave-owners—Nicholas Fish himself had bought two Negroes before his marriage. But the colonel never cared for luxury, and saw that his son formed plain habits. The house boasted a library, with many religious books which the colonel later gave to the General Theological Seminary, some historical works which fell to his son, and a twenty-one volume encyclopaedia.¹⁸ In this library Hamilton did much reading.

He was of course drilled in courtesy, decorum, and unselfishness—in short, trained to be a gentleman; and in this, as in all else, the colonel's example was strong. All observers concur in saying that the wealthy veteran was one of the truest gentlemen in the city. Hamilton Fish later wrote of his father as notable for "unswerving adherence to truth," great modesty, showing "habitual delicacy at all times in speaking of anything relating to himself," and strong religious feeling. Mrs. Martha Lamb's history mentions his "elegant scholarship, refinement, and good breeding."¹⁹ A tablet at St. Mark's is inscribed: "Faithful soldier of Christ and of his country." And Philip Hone, who knew him well, significantly wrote of him: "Every inch a gentleman."²⁰ Of Hamilton Fish's mother and her contribution to his upbringing we know less. But a good deal may be divined from two letters which he sent her from Albany, one when he became governor of New York in 1849, and the other as he was leaving that office two years later. In the former he wrote that he wished his first letter after his inauguration to be "to her to whom

¹⁸ Doubtless the Britannica; Hamilton Fish's will, Room 402, New York Hall of Records.

¹⁹ Martha J. Lamb, *History of New York City*, II, 576.

²⁰ *Diary of Philip Hone*, Nevins edition, II, 915.

I owe not only my being, but those principles, early inculcated and steadily enforced, both by precept and by example, which have carried me successfully thus far through life . . ." In the latter he declared that he wished his last letter as governor to be to her "who has given me the advantages which I have enjoyed, who has sedulously and so affectionately watched over me, and who has given me so much to follow by way of precept and of example of all that is good and pure and right."²¹

III

Hamilton Fish's first tuition was at home. But in 1815-16 he was sent to the school of Valentine Derry, an accomplished Anglo-Irishman, on the southwest corner of Broadway and Grand Street. For many years Canal Street, a block south of this school, had marked the northern boundary of the city proper. A stone bridge at the upper end of Broadway spanned the canal through which the waters of the Collect Pond were drained to the Hudson, and here the pavement ended. As a small boy Fish used to float shingle-boats in this canal, and angle for frogs with bent-pin hooks. When he entered Derry's school the district northwest of Canal Street had but recently been laid out in streets bearing the names of Revolutionary heroes—Mercer, Greene, Wooster, Sullivan, McDougall—but the ground was as yet sparsely dotted with houses. Farther northwest still, the area now Washington Square remained Potter's Field until 1823.

"From Mr. Derry's schoolroom windows," wrote Fish long years afterward,²² "I used to spend many an hour looking over to the Jersey shore, then plainly in view, and in watching the few carriages of various sorts passing to and fro between the city and Greenwich Village, along the old Greenwich Road near the shore of the Hudson River; there was not enough of brick and mortar to prevent an idle boy thus amusing himself." A block above the school, near Broome Street, stood a row of brick basement-entrance houses just erected by Isaac Lawrence. Another new row stood on Broadway just south of Bleeker Street. "I well remember," adds Fish, "the portly figure of Jonas Minturn, who occu-

²¹ The first of these letters is dated January 2, 1849; the second December 31, 1850. Fish Papers.

²² When Thurlow Weed published his well-known paper on "New York Fifty Years Ago" in the *New York Times* in January, 1866, Hamilton Fish wrote him a long letter on his own early recollections; from it these details are drawn. January 31, 1866; Fish Letterbooks.



Portrait by Inman

COLONEL NICHOLAS FISH

pied one of these houses in 1815." The city's landmarks at the time included Trinity and St. Paul's Churches; two hotels of merit, the City Hotel on lower Broadway, and Washington Hall at Broadway and Chambers; Columbia College at Park Place; the Bellevue Almshouse, just completed; and the State prison on Christopher Street. The boy remembered also, diagonally across from his school, the well-known tavern of Beekman & Batten, standing on an elevated bank through which Broadway had been cut. "A long flight of wooden steps led up to the tavern, and a hanging sign-board, suspended from a cross-tree, told passers-by who kept the inn." A public garden, Vauxhall, was especially dear to those who lived in the Bowery Village, for it stood in their neighborhood on the subsequent site of the Astor Library. Hamilton Fish also recalled:²³

Near it was Sperry's garden and greenhouse; a conservatory was a rare thing then. So was the use of ice; still it was used, and Stuyvesant's Pond supplied the larger part of what was used in the city. About this time James Cook built a large ice-house on Art Street (now Astor Place), directly opposite the present site of the Mercantile Library, for supplying ice to those who understood its importance. I think that for some years his carts were the only ones that peddled ice in the city. The public hay scales occupied part of the present site of the Cooper Union. The Potter's Field has become Washington Square. A Negro girl (Rose Butter, I think) was hanged there, some three or four years later. Some doggerel lines used to be chalked about the fences, of which I can only recall

Rose Butter sat upon a bench,

Down dropped the trap, and hanged a Negro wench.

Captain Randall's elegant mansion, then occupied by James Farquhar and known as "Sailors' Snug Harbor," stood a little to the west of Broadway. Old Mr. Brevoort, the grandfather of Commodore Brevoort, had a garden on the site of Grace Church, and to save his garden had influence enough to cause the diversion of Broadway from a straight line which occurs at about Tenth Street. Love Lane occupied nearly the position and direction of Twenty-first Street as far as Eighth Avenue, and was a favorite and fashionable drive.

The boy delighted in visits in Scudder's Museum, which in 1815 stood on Chatham Street not far from Chambers. He used to pass the watch-house at the head of Chatham Square with due awe of the police. He peered curiously into the shipyard of Noah Brown on the East River, and the rope-walks of the Schermerhorn family east of First Avenue, between First and Third Streets. In winter he skated on Stuyvesant's

²³ *Ibid.*

pond, east of First Avenue between Thirteenth and Sixteenth Streets. He later recalled that when a mere urchin he courageously ate tomatoes. "I used to long for their being ripe. But my father and I were the only two members of a large family that would touch them."

Upon leaving Derry's school Fish attended the classes of M. Bancel, a French royalist who had fled during the Terror to the West Indies, and thence drifted to New York. One of his schoolmates was William H. Aspinwall, later eminent as a merchant, of whom he wrote in 1872 that he had been "fifty years a friend." At Bancel's the brown-haired, ruddy-faced youth, now growing tall and broad-shouldered, learned to speak French, and formed his first attachment for Gallic culture. This was highly fitting for a son of Lafayette's old comrade. Within a few years, a boy of sixteen, he shook hands with Lafayette when the latter visited America in 1824. The Frenchman spent some days at the Stuyvesant Street house, and even suggested that he take Nicholas Fish's youngest daughter back to France to be educated. Hamilton heard much of an incident which occurred when Lafayette and Nicholas Fish visited Yorktown for the anniversary of Cornwall's surrender, October 19, 1824.²⁴ During the ceremonies General James Taylor stepped forward to place a civic wreath on Lafayette's brow. The Marquis stayed his hand. Paying a special tribute to Alexander Hamilton, and "to the three field officers who seconded him, Gimat, Laurens, and Fish, the only surviving one, my friend near me," he drew Colonel Fish to the front. "Here," he said, "half of this wreath belongs to you." "No," protested Fish, "it is all your own." "Then," said Lafayette, pressing it into the colonel's hand, "take it, and preserve it as our common property." The whole scene, observed the Richmond *Enquirer*, "was strongly marked by the moral sublime."²⁵

Hamilton Fish was at this time a freshman in Columbia. The college was small, with an annual income of but \$15,000, but President William Harris had gathered an able faculty—Anthon, McVickar, Anderson, and others—and Fish thought them "a noble band." He worked hard at his books. But it was not all work. A fellow-student reminded him, when he became governor,²⁶ of how frequently "a few of us *hoi polloi*, as Charley Anthon used to call us, instead of preparing for lecture, were

²⁴ Brand Whitlock, *Lafayette*, II, 238 ff. Mr. Stuyvesant Fish owns an extensive correspondence between Nicholas Fish and Lafayette, 1824–1832.

²⁵ New York *American*, October 28, 1824, quoting the Richmond *Enquirer*.

²⁶ Henry N. Brush to Fish, April 1, 1851; Fish Papers.

practising at billiards, or relieving the tedium of poring over Euclid by pouring out apple toddy over a rubber of whist." His classmates were a varied group; one later became a homeopathist, one a Catholic priest, one a broker, several lawyers, and most of the others business men. Fish thought them good fellows. "I don't know of any that has as yet got into State prison," he wrote in 1849, "while Hobe Haws and myself are the only two that have got into Congress. Considering the size of the class, I think it is doing very well if we can get on with only two black sheep." One of the students closest to him was a Jewish lad, Jonathan Nathan, of the able family which later gave the city Annie Nathan Meyer and the novelist Robert Nathan. He became a constant and valued adviser when Fish entered politics. In 1827 Fish graduated with highest honors, upon hearing of which Lafayette wrote his father a congratulatory letter.²⁷

He had supplemented his studies by wide reading; indeed, he was regarded as a rather intellectual youth. But the best of his training had not come from books. It had come from his remarkable opportunity of hearing about, seeing, even to some extent talking with, leaders of the Revolutionary and post-Revolutionary generation in America. In a very real sense he was heir to the great Federalist tradition.

IV

Immediately after graduation, Fish began to study law in the office of Peter A. Jay, eldest son of John Jay. Now past fifty, Jay had been an active associate of Nicholas Fish in Federalist politics; an able attorney, he made an admirable mentor in the law. Fish had Jonathan Nathan as a fellow-student.²⁸ On May 14, 1830, he was admitted to practice before the Supreme Court, and the next month was made solicitor in chancery.

He at once opened an office at 37 Pine Street, in what was practically if not formally a partnership with J. Rutzen Van Rensselaer, Jr., to whom he had already given legal assistance.²⁹ From the beginning his

²⁷ A copy of Fish's long Latin oration, adorned with Greek passages, is in his papers. It surveys the cultural achievements of ancient Greece and Rome, Elizabethan England, and France under Louis XIV, with a hopeful glance at the American scene.

²⁸ Mrs. Annie Nathan Meyer has kindly furnished me much information upon this friendship, one of the closest of Fish's life, and marked by many testimonials of affection on his part. Numerous letters from Nathan are preserved in his papers.

²⁹ Stuyvesant Fish, Sr., wrote Sidney Webster, March 2, 1910, a letter giving details obtained from his father upon his early legal career; Fish Papers.

practice fell into the lines it always followed. He avoided criminal cases. He wisely gave special attention to real estate and chancery law—that is, to business in which his acquaintance among wealthy New York landholders stood him in good stead. In the first years of struggle, as he confessed later, he derived his principal income from routine fees. His office was on the ground floor; he obtained an appointment as commissioner of deeds; and much business came “through the window,” clients tapping on the pane and handing papers to him. But he was thorough and precise, and his legal business rapidly grew.

Even in the early thirties his clients included leading citizens—De Peysters, Morrisises, Pells, Roosevelts, Rikers, and so on—while he handled business for the Bowery Fire Insurance Company and St. Mark’s Church. His uncle, Peter Gerard Stuyvesant, sent him numerous cases. Others came from Daniel LeRoy, who had married his sister Susan, and Dr. Richard Lewis Morris, who had married his sister Elizabeth. He acted as agent for property-owners and trust funds, seeing to leases, rent-collections, and the sale of houses. Here again his connections, the Stuyvesants, Ten Broecks (a family into which his mother’s sister had married), Livingstons, and others aided him.³⁰

When the Erie Railroad was incorporated, its counsel, John Duer, asked him and Van Rensselaer to search the title to large tracts near Piermont on the west bank of the Hudson.³¹ It was in the depth of winter. They dropped their other business, bought a horse and sleigh, and spent several weeks of hard labor. Returning to New York, Fish took their thorough report to the Erie office, and with some trepidation presented a bill for \$1,000 to cover expenses and services. John Duer remarked: “Hamilton, take your bill back and make it \$2,000, and I will approve it.”

By 1833 Fish had left Van Rensselaer and was a partner of William Beach Lawrence, a graduate of Columbia eight years older than himself, with offices at 1 Nassau Street. Thanks chiefly to Fish’s incessant industry, they prospered. The names in their ledger evoke the town of post-Knickerbocker but pre-Croton days, in the mayoralties of Gideon Lee and Cornelius W. Lawrence. They include old Dutch families—Kips,

³⁰ Fish’s letterbooks and account-books from the beginnings of his legal practice in 1830 have all been preserved; Fish Papers.

³¹ Peter Gerard Stuyvesant was a director of the Erie; J. G. Wilson, *Memorial History of the City of New York*, III, 172.

Bleeckers, Van Hooks; merchants like William E. Dodge, John G. Coster, and William Gracie; the editor Mordecai M. Noah, who was charged \$6 for drawing up a "covenant"; and two men with whom Fish cherished a life-long friendship, Lewis M. Rutherfurd, the astronomer, and Samuel B. Ruggles, founder of Gramercy Park. The firm gradually became prominent in real estate and chancery law, with a moderate income. Fish's letters speak of overwork. They speak also of frequent trips to distant parts of New York and Pennsylvania for New Yorkers who, like his father, had bought lands on speculation.

Meanwhile, his new partner contributed in important ways to Fish's preparation for the Secretaryship of State. William Beach Lawrence had sprung from a wealthy New York family, and had married a daughter of the rich Archibald Gracie.³² He had moved in a far more spacious world than Fish; on leaving Columbia he had travelled in the West, and studied at the Sorbonne. Returning to New York, he had listened to James Kent's lectures on law, and had then obtained an appointment as secretary to the London Legation, where Albert Gallatin was Minister. After Gallatin's resignation in 1827, he served capably as chargé for more than a year. He had travelled on the Continent, returned home to make another tour of the West, and taught at Columbia. Already he had begun to study international law, upon which he ultimately became the foremost American authority. It is obvious that he was able to teach Fish a good deal. Unfortunately, Lawrence made an indifferent law partner. As Fish later wrote,³³ he "had been absent from the bar for several years, and lost some of the familiarity with the course of the courts, and with the personnel of the bench and the bar, which is so desirable for the practitioner of the law. And he found men much his junior in years, and many of them altogether and vastly his inferiors in learning and in ability, who by continued familiarity with the courts and their habits and practices felt at home, and occasionally shied out little impertinences toward him as a sort of intruder. More than once . . . he spoke to me of this . . . and finally assigned it as a reason for withdrawing from the practice and terminating the partnership."

³² For a scholarly account of Lawrence see Joseph Dorfman and Rexford Guy Tugwell, "William Beach Lawrence, Apostle of Ricardo," *Columbia University Quarterly*, September, 1935. Fish felt a lifelong friendship for Lawrence, though always distrustful of his notoriously violent temper.

³³ Quoted in James Grant Wilson, "Governor William Beach Lawrence," *N. Y. Gen. and Biog. Record*, April, 1882, XIII, 55.

Essentially an office lawyer, seldom appearing in open court, Fish nevertheless achieved a few notable successes in pleading. John Anthon, brother of Professor Charles Anthon, was a leader of the New York bar, credited with trying more cases than any other man. Fish once succeeded in an ejectment case in non-suiting Anthon's client, and was delighted. Later, in 1839-40, he represented Peter Gerard Stuyvesant in a suit against New York City, to which his uncle had given Stuyvesant Square under certain conditions.³⁴ As they were not met, Stuyvesant on the advice of Daniel Lord sued for \$150,000 damages. When the case came to trial he received a verdict for only \$3,056.25. From the first Hamilton Fish had advised his uncle to sue for specific performance, and now Stuyvesant consented. Fish successfully argued it, and compelled the city to improve the Square. But in general Fish was quite as much a business man as a lawyer. Wealth at that period was invested far more largely in realty, far less in stocks and bonds, than today, and he specialized in the legal advice that large property-holders most needed.

Meanwhile, he did not neglect cultural interests. In January, 1830, he and John D. Ogilby formed a literary club, the "Hamilton Society," which soon had nearly a dozen members. Fish was secretary. They met at frequent intervals to read papers and debate public questions, while they subscribed to a respectable list of periodicals: the *Edinburgh Review*, *Quarterly Review*, *Blackwood's*, *North American Review*, the *Classical Journal*, the *American Journal of Science and Arts*, and so on. The short-lived society showed that Fish was genuinely interested in self-improvement; and it gave him one lifelong friend, Benjamin I. Haight, who later became an Episcopal bishop.³⁵

In the spring of 1832 he and William Edgar travelled to Jackson's second inauguration with Daniel Webster, who in 1829 had married Caroline Le Roy, sister of Fish's brother-in-law. They made the journey by stage-coach. Long afterward Fish recalled "our fatigue in crossing the State of New Jersey," where they were several hours "hub-deep in mud" between Trenton and New Brunswick. In Washington they stayed with Webster, who introduced them to Jackson and other dignitaries; and Fish returned in company with the diarist Philip Hone.

³⁴ This notable case is recorded in *Paige's Chancery Reports*, XI, *Walworth Chancellor*, 415 ff., *Stuyvesant vs. the Mayor, etc.*, of New York, January, 1845.

³⁵ The minute-book of the society is in the Fish Papers.

V

Nicholas Fish died June 20, 1833, in the Stuyvesant Street house. His illness of more than a year had already thrown new responsibilities upon the son; for to the end Colonel Fish had borne a hand in numerous enterprises. Besides his interest in banking, he had helped to plan the Mohawk & Hudson Railroad between Albany and Schenectady, had enlisted William B. Astor, and was mainly responsible for its completion. His lands up-State were growing valuable; since the opening of the Erie Canal all central New York had been rapidly settled, and his agents at Rome, Utica, and other points required oversight. His detailed and carefully-drawn will ³⁶ divided his estate equally among his widow and five children, save that Mrs. Fish received the household goods, furniture, plate, wines, horses, and carriages, and Hamilton "my book-case, and library of books." The share of one daughter, Mrs. Le Roy, was placed in a trust fund. So was that of Hamilton's younger brother, Petrus, until he reached twenty-four; but Petrus was in frail health, and died as a midshipman on an American warship in the Mediterranean in the fall of 1834.

Hamilton and his mother were executors of the estate—which meant that its care fell upon him. He at once drew the agencies up-State into fewer hands, and himself looked after the city holdings. For the time being he remained in the Stuyvesant Street house. His father's civic and philanthropic responsibilities also began to devolve upon his shoulders.³⁷

But he did not long remain a bachelor. "Our friends in New York," wrote John Rutherford on February 6, 1837,³⁸ "have been very gay in celebrating the wedding of Mr. Stuyvesant's nephew and our cousin Julia Kean, which has occasioned many festive parties among the young folks . . . A party is forming for a visit to Washington, where they will be present at the ceremonials on the inauguration of President Van Buren."

Fish had become engaged to Julia Kean, a handsome, capable, witty girl of nineteen, at Ballston Spa in August, 1836. All fashionable New Yorkers—and many from other States—went to Saratoga and Ballston

³⁶ Available in Room 402, Hall of Records, New York City.

³⁷ Letterbooks. It may be noted here that *Longworth's New York Directory* shows that Fish's successive law-offices were at 37 Pine, 21 Wall, 9 Nassau, 11 Pine, and 78 Nassau.

³⁸ Copy in Fish Papers.

in those days; in a single summer of the thirties President Van Buren, Governor Seward, Henry Clay, General Winfield Scott, and a long list of Cabinet officers, Congressmen, editors, and financiers were entertained at the Congress and United States hotels. Hops, balls, and picnics gave the young people opportunity for lovemaking. Julia Kean and Hamilton Fish had been reared in the same social sphere, for as the daughter of Peter Kean and Sarah Morris she sprang from a prominent New Jersey family. Her paternal grandfather, John Kean, had represented South Carolina in the Continental Congress; while on her mother's side she was descended from Lewis Morris, signer of the Declaration of Independence.³⁹ One of her grandmothers was Susan Livingston, a niece of the patriot governor of New Jersey, William Livingston. The Keans, indeed, now owned Governor Livingston's house near Elizabeth, Liberty Hall—the famous house to which young Alexander Hamilton had come with a letter from Nevis, the house in which John Jay married Sarah Livingston on the eve of the Revolution. The name had since been changed to Ursino, for Julia's grandmother Mrs. John Kean had taken as her second husband the patriot bard of Poland, Kosciuszko's comrade, Count Julian Ursin Niemcewicz.⁴⁰ Fish and Julia Kean had many friends in common.

Of much greater importance, the young couple had similar tastes. Julia Kean's father had been a man of varied attainments; a French scholar, a classicist, and a lover of English literature. As Julia had been a precocious child, they had read widely together. She came from a family active in politics, and was as antipathetic to Jackson, as devoted to Whig principles, as Hamilton himself. Like him, she was a devout Episcopalian. She was a strong, healthy girl, a lover of outdoor life. Though slender and of medium height, she had a commanding poise; as she became a matron and the lines of her figure filled out, the adjective most frequently applied to her was "stately." Yet there was nothing frigid in her stateliness, for she had an impulsive warmth of feeling, a common-sense democracy, and a charm that extended beyond mere graciousness and tact.⁴¹

³⁹ Stuyvesant Fish, *Ancestors of Hamilton Fish and Julia Kean his Wife*; W. W. Spooner, Ed., *Historic Families of America*, III, 221.

⁴⁰ Niemcewicz, who had shared Kosciuszko's captivity in St. Petersburg, had later travelled in America, where he met Mrs. Kean. Some letters from him to Fish are in the Fish Papers.

⁴¹ For some indications of Mrs. Fish's charm and generosity, see Mrs. John Sherwood, *An Epistle to Posterity*, 85 ff.

They were married on December 15, 1836, at Ursino. It was to prove an exceptionally happy match; a "complete union of heart and soul," as one of their children later wrote,⁴² strengthening and enriching the innermost character of both.

When Fish thus brought his bride to the Stuyvesant Street house he was twenty-eight years old. He was a well-established lawyer, and a man of independent means, while his wife also had property. He made a striking figure: almost if not quite six feet tall; square-shouldered, solidly built; a large head and singularly large features—wide mouth, full lips, large nose, and broad though not high forehead; dark-brown hair, slightly curled and rising in a thick pompadour; large open gray eyes; a ruddy complexion. Though his portraits would not indicate it, he was thought handsome. This was not because of chiselled features or sparkling animation; it was because of his erect, commanding stature, his energy, and his manliness of face and bearing. An air of dependability and integrity enveloped him. Like his father, he was every inch a gentleman, every inch a man of substance and character. He was quiet to a fault—a lover of study, of home, and of dignified employments; he hated contention; he was a natural conservative. But while not easily aroused, the tall, dark young man could be formidable when irritated. All his acts revealed a punctilious sense of duty. He was tirelessly industrious; he loved method; he was scrupulously attentive to details. He kept copies of all his business letters, assorted and filed the replies, posted his accounts with rigid completeness, and made neat scrapbooks of important press clippings. Yet in so far as the somewhat provincial city permitted, he was a man of the world. He possessed an urbane if ponderous sense of humor, and often startled his friends by some quick cynical remark which revealed a sophisticated comprehension of shams.

With these qualities, with his father's name, with modest wealth, it was evident that Hamilton Fish would slowly grow into one of the prominent citizens of New York. Emphasis should be placed on the word slowly. Christened for the most precocious statesman in American history, he utterly lacked the electric qualities of his great namesake; but for what he wanted in celerity he more than atoned in staying power. Developing gradually, he was to be a great figure at an age when most men have stepped into retirement.

⁴² Memorandum by Mrs. Sidney Webster in Hamilton Fish Webster Papers, Newport, R. I.

FOR six years after his marriage Hamilton Fish devoted himself to his business, his family, and civic affairs. Not until 1842 did he seek political office. New York was a robust, cheerful, fast-growing city, and he and his wife took a robust, cheerful, and increasingly important place in its life. He watched with interest the passing events: the rapid rebuilding of the area burned down in 1835; the rise of the penny press; the onslaught of the panic of '37; the visits of Captain Marryat, Ellen Tree, and Fanny Ellsler; the opening of the Union Club, the Merchants' Exchange, and Wallack's National Theatre; the arrival of the *Great Western*; the semi-centennial of Washington's inauguration, with J. Q. Adams as orator; and the grand reception to Martin Van Buren, New York's first President. Fish knew most New Yorkers of note.¹ He was well acquainted with the leaders of the bar, from Daniel Lord and Ogden Hoffman down. He knew the great bankers, like Samuel Ward; the chief merchants, like Gardiner G. Howland and Moses H. Grinnell; the editors, like Bryant and James Watson Webb, and even the city's proudest son, Irving. Few men had better opportunities to enjoy all that the city offered.

His tastes were quiet. Every Sunday found him and his wife in their pew at St. Mark's, listening to Dr. Henry Anthon's sermon.² Every weekday morning saw him striding down Stuyvesant Street to the Bowery, or a block farther west to Broadway to catch the downtown omnibus. At noon he strolled with some fellow-attorney to the restaurant of Clarke & Browne on Maiden Lane, or to Downing's at 5 Broad Street, famed for its oysters. He worked long hours. Every duty was discharged precisely; the books were balanced every day to a penny. Once he gave a young friend some long-remembered advice:³ "If you never break a promise, if you always pay the money you owe exactly on the day due, nobody will know but that you are worth a million. And you will be just as good a risk as a man worth a million."

¹ For New York in this period see Abram C. Dayton, *Last Days of Knickerbocker Life*; J. M. Mathews, *Recollections of Persons and Events*; Dr. John W. Francis, *Old New York*; and my edition of the *Diary of Philip Hone*.

² Fish's papers contain more than a score of letters from Dr. Anthon, 1840-72, indicating a warm friendship. Cf. *Memorial of St. Mark's Church*, 84 ff.

³ A. B. Farquhar, *The First Million the Hardest*, 10.

Holding a definite place in the old Knickerbocker society, and having many relatives among the Stuyvesants, Le Roys, Ten Broecks, Livingstons, and Keans, Fish and his wife gave and received much hospitality. His rich uncle, Peter Gerard Stuyvesant, liked to see them at his entertainments, which were sometimes elaborate. They belonged to a younger set which enjoyed such events as Henry Brevoort's long-remembered costume ball of 1840, with five hundred guests. But in general, the Knickerbocker families combined dignity with simplicity. They gave many "teas," where Fish and his wife would appear at seven, he wearing an everyday swallowtail, and she a simple gown, to remain until ten. "Teas" meant either tea or coffee, dried beef, tongue, cheese, a groaning cake-basket, sweetmeats, biscuits, and toast; and giving opportunity for small talk, they were a favorite entertainment. Dinners were more stiffly formal. They implied carriages, evening coats, Paris gowns; much rivalry over the quality of canvasback, turtle, madeira, and ices; late hours and ponderous conversation. Men often escaped from them to small suppers *en garçon*. Here a dozen congenial souls, putting their feet beneath an ample board, sometimes bringing their own wines, would talk finance, politics, and letters into the small hours. But no matter what the gathering, Knickerbocker society was based upon systematic rules, demanding decorum, moderation, and dignity.⁴

Fish had always been fond of the theatre, and during their early married life he and his wife were frequent attendants. They had opportunities to see Edmund Kean, Charles Kemble, Ellen Tree, Frances Kemble, and Charlotte Cushman at the old Park; Edwin Forrest at the Bowery; and Wallack's stock company at the National. But Fish liked best to spend his evenings at home. In the fall of 1837 he wrote that he was busy "with the troubles of furnishing a house and of commencing housekeeping."⁵ He leased a house in Clinton Place for the winter, and the following spring bought one at 138 Second Avenue, near Ninth Street. This he shortly enlarged, giving it a new dining-room, a study, and a bathroom (then a rare convenience), while he purchased a side-lot for a garden.⁶ Both house and furniture were handsomer than those of most rich New Yorkers of the time; but his taste was for com-

⁴ Fish's letterbooks throw light on his social activities. See also Dayton, *Knickerbocker Life*, ch. 12; *Diary of Philip Hone*, I, *passim*.

⁵ Fish to H. I. Williams, Nov. 21, 1837; Letterbooks.

⁶ *Longworth's Directory* places Fish's house first at the corner of Second and Ninth, then at 138 Second Avenue, presumably the same house. As late as 1844 Second Avenue was not built up north of Eleventh Street.

fort rather than display or luxury.

Children soon arrived. "Julia desires me," he wrote a Philadelphia friend in the spring of 1839,⁷ "to present her love to Mrs. Williams and yourself, and to ask whether she will have an opportunity sometime this summer of shewing you her *two* little girls, the younger about three weeks old." These were Sarah and Elizabeth, born February 25, 1838, and April 6, 1839. A third daughter, Julia, came May 2, 1841, and a fourth, Susan, on August 31, 1844. In these years of growing home cares Fish read assiduously, chiefly in history and politics. The successive novels of Dickens delighted him, and years later Sairey Gamp was to make her appearance in an important state paper. In summer the children were taken to the country—to Ursino, Fishkill Landing, or the Jersey mountains—and he developed a fondness for outdoor life. Meanwhile, public activities were already claiming him. He assisted Peter Gerard Stuyvesant in the Stuyvesant Institute, which offered a free library, and popular lectures.⁸ He gave much time to the Society Library. He was one of the founders of the St. Nicholas Society, a social and philanthropic organization for descendants of the old burghers. In 1838, when Gulian C. Verplanck was president, Washington Irving first vice-president, and Fish secretary, Philip Hone described its annual festival at the American Hotel; "as good a dinner as I ever sat down to, all excellent, hot, and well served, and the wines capital," with witty speeches.⁹ Fish joined the New York Historical Society, of which Peter Gerard Stuyvesant was one of the founders; he became an honorary member of the Philolexian Literary Society at Columbia; and in 1842 he was elected vestryman of St. Mark's.

But increasingly he was drawn into active service with the Whig Party. When friends called, Mrs. Fish would say: "He is down in the seventh ward," or, "He is at a Broadway House meeting." At this hotel, on the northeast corner of Broadway and Grand, city Whigs rallied to hear the orthodox doctrine on the tariff or internal improvements expounded. Here the lobbies rang with cries of "Here's to you, Harry Clay" or "Tip and Tyler!" and in small rooms upstairs, lighted by japanned lamps, such leaders as Cadwallader D. Colden, Philip Hone, Aaron Clark, and Moses H. Grinnell laid campaign plans and appor-

⁷ To H. I. Williams, June 6, 1838; Letterbooks.

⁸ Fanny Kemble read Shakespeare to large audiences in Stuyvesant Hall; Hone's *Diary*, II, 863.

⁹ *Ibid.*, II, 364.

tioned patronage. Here the tall figure and broad shoulders of Hamilton Fish came to be well known.¹⁰

I

Natural successors to the Federalists, partisans of business and wealth, the Whigs in the middle thirties felt that they had their backs to the wall. New York City was the seat of a fierce radical movement allied with Jacksonian Democracy—a movement which intensely alarmed the old aristocracy. The Loco-Focoes—Democrats of the extremist stamp, who at a meeting in 1835 wrested control of the city caucus from more conservative members of the party by striking loco-foco matches when their opponents turned off the gas—were intent on a veritable social revolution.¹¹ Their first principle was antagonism to all vested interests. They demanded the repeal or amendment of all charters of incorporation; the abolition of stockjobbing; the suppression of paper-money and curtailment of banking privileges; the popular election of judges; increased support for public schools; and firm protection of labor unions. They nominated men who regarded ruffled shirts and fine carriages as evidence almost of criminality. These Jack Cades, Carbonari, levellers, as the Whigs called them, were fired by the editorials of William Leggett in the *Evening Post* and George H. Evans in *The Man*—"the polluted breath of the hireling press," according to Philip Hone. They read Fanny Wright and Robert Dale Owen, and asserted that the young republic must be made a land of hope for the plowman and mechanic, and not one of inert security for the wealthy.¹²

Fish was stirred by the resolution of honest conservatives all about him to combat the Loco-Foco incendiarism. He was proud to take the name of Whig. That a distinct class-character animated the party in New York is undeniable.¹³ Whenever Clay and Webster visited the metropolis, they were entertained by the intellectual and social aristocracy. Nearly all bankers, shippers, landowners, and wealthy professional men fell naturally into line in the Whig phalanx. They looked with disdain and alarm upon the opposition party, swollen by the growth

¹⁰ Dayton, *Knickerbocker Life*, 137 ff.; N. Y. *Courier and Enquirer*, 1838-42.

¹¹ See D. R. Fox, *Decline of Aristocracy in the Politics of New York*, chs. 12, 13, 14, for an admirable account of political lines.

¹² Fox, 186; cf. F. J. Grund, *Aristocracy in America*, passim.

¹³ F. Byrdsall, *History of the Locofoco Party*; Parke Godwin, *William Cullen Bryant*, I, 253 ff.; Horace Greeley, *Recollections of a Busy Life*, 120 ff.

of industrial employees and the influx of Irish immigrants. Hone, for example, recoiled from "the heterogeneous mass of vile humanity in our population of 310,000 souls," who, leaving Europe, trying "to better their condition by opposing everything good, honest, lawful, and of good report," had "banded themselves into associations to put down . . . the party of order and good government." Fish, though far more tolerant, had a feeling similar to this.¹⁴ Moreover, the Whig principles especially appealed to him: a protective tariff, economy in government, security for property, the election of well-trained men to office. He stepped forward willingly; and party men who valued his name, wealth, and deliberate strength welcomed the recruit.

He received his political tutelage from the talented Whig leader of the Seventh Ward, Joseph Hoxie. This man, first a schoolmaster, then a cloth-merchant, had turned his entire attention to politics when the panic of 1837 wrecked his business.¹⁵ He exhibited a genius for machine organization. As alderman, county collector, district judge, and Surveyor of the Port, he steadily mounted the ladder. His practical eye fastened upon Fish. The latter for his part looked up to Hoxie. "From my boyhood," he wrote later,¹⁶ "I scarcely ever heard of any office to be dispensed that it was not necessary to consult him; when I first began to . . . look in upon political meetings by way of gratifying a boy's curiosity, it was he who was the master spirit—he who read the addresses and who controlled the organizations. Next, when we got a little power, it was he who dispensed the city alms, and disposed of the city patronage. Then it was he who had the right to make a certain 'big Fish' parade the seventh ward, . . . and who controlled the Common Council." In short, he was the Francis Place of the city Whigs.¹⁷

Fish had enlisted at an auspicious moment. The panic of 1837 fell upon the Democrats like a sudden blight. Had Van Buren and Marcy been even more adroit than they were, they must have struggled in vain. Moreover, in 1840 the Whigs stole their opponents' principles, came forward as champions of the common man, and nominated the plain farmer of North Bend, William Henry Harrison. They extolled him

¹⁴ L. D. Scisco, *Political Nativism in New York State*, 15 ff. Fish's feeling was purely political. He later condemned the Native American prejudice sharply; his writings contain not a single evidence of hostility toward foreign-born elements, and many evidences of cordiality toward them.

¹⁵ Walter Barrett, *Old Merchants of New York*, II, 114, 116, 117.

¹⁶ Fish to Joseph Hoxie, August 7, 1849; Letterbooks.

¹⁷ Cf. Graham Wallas's *Life of the radical tailor-politician of London, Francis Place*. Fish to John C. Hamilton, December 30, 1843; Letterbooks.

as the hero of all who loved log cabins, coonskins, and hard cider. Hoxie's plume waved foremost in the city fray. He was accounted the best Whig chorister and stump-speaker in a rousing campaign fought with songs, parades, and frontier stories. Fish labored with him so lustily that the week after election he wrote he was exhausted. But Harrison had been triumphant.

It proved a short-lived triumph. President Harrison's speedy death brought in John Tyler, whose essentially Democratic beliefs and policies threw the Whig Party into despair. In 1842 they saw the Democratic tide sweep back again. Yet in this dark year, singularly enough, Hamilton Fish was elevated to Congress!

His success was the result of a quarrel between two Democratic leaders, Fernando Wood and John McKeon, in his district, the sixth, which was normally Democratic. When McKeon won the nomination, the vindictive Wood bolted. The Whigs united behind Fish. A spirited campaign followed. It opened with a monster reception to the Whig members of Congress from the metropolis, six thousand men jamming the Tabernacle to hear Millard Fillmore speak. On election day, while the Whigs lost the governorship, the Legislature, and most seats in Congress, amid their general defeat Hamilton Fish received a decisive majority.

II

He therefore entered Congress with a certain prominence. He and J. Phillips Phoenix were the only Whig Representatives from New York City. But with the Democrats in arrogant control of the House, he found no opportunities for useful work. "I assure you," he wrote during his first days there,¹⁸ "it is a very *unexpected* situation in which I find myself placed, and one not entirely in accordance with my tastes. We are in a woeful minority, and the majority seem determined to make us feel their power." He made no speeches of importance and introduced no bills; his record was as barren as Lincoln's in the succeeding Congress. Indeed, his most notable act was to move on May 22, 1844, for an inquiry whether the franking privilege of any Representative had been violated by the post office. This was a contribution to the fight

¹⁸ Fish wrote William A. Duer December 8, 1843: "The proceedings of the first day of the session will have shown you the efficacy, as the efficiency, of the party drill of the majority in the House—it is quite equal to Albany." Letterbooks.

for mail-protection in the South, and won him a mention in John Quincy Adams's diary.¹⁹ In addition, as a member of the Committee on Military Affairs, he submitted a report defending the West Point Academy from the charge that it was undemocratic and un-American.

The value of his two years in the House lay in the acquaintance which he gained with public men and measures. Adams's seat was just across the aisle, and they became warm friends. In the Whig caucus he touched elbows with the dignified Hannibal Hamlin, the tall, combative Joshua R. Giddings, and the genial Robert C. Schenck, later to be Minister to England under Fish himself. On the Democratic side were Stephen A. Douglas, Howell Cobb, and Henry A. Wise. Thirty years later Alexander H. Stephens wrote Fish to recall that their long friendship began at this time. At Washington dinner-parties he talked with prominent Senators—the three giants, Clay, Calhoun, and Benton, the lean, sarcastic Rufus Choate, and the pompous Buchanan. Before he left, from his hotel windows on Pennsylvania Avenue he and Mrs. Fish disgustedly watched the inaugural procession of James K. Polk.

Fish had never expected a reelection. When 1844 arrived, the Democratic Party in his district was again united and confident, while the Whigs were torn asunder by a violent anti-Catholic, anti-immigration movement. At the elections that spring the Native Americans had carried the city, and a majority of Whigs were now deserting to the new banner. In vain did Fish denounce the principles of the new party as bigoted and intolerant. He had intended to return to the law. But he was compelled to be a candidate simply to preserve the Whig machinery in his district. He called a meeting at his house to announce this decision, and to release his lieutenants from any obligation to support him. Nevertheless, they rallied behind him. The great Daniel Webster, visiting the city at the beginning of October, was impressed into the battle.

Indeed, the most amusing story of Fish's early political career relates to Webster's part in this campaign.²⁰ The orator was asked to address a gathering of distinguished citizens at Fish's house. Three o'clock was the hour set for dinner. Shortly after noon Fish drove down to the Astor House to escort Webster home. The orator was not in his room, not in the lobby, not even in the bar, though he had last been seen there. As Fish and a companion stood on the steps peering up and

¹⁹ J. Q. Adams, *Memoirs*, XII, 32.

²⁰ President Nicholas Murray Butler had this story from Fish, and gave it to the author.



Hamilton Fish.

AS REPRESENTATIVE IN CONGRESS, 1843-1845

down Broadway, a figure struggled around the corner of Vesey Street. It was Webster, thick of speech and moving in erratic lurches. What was to be done? The perplexed group, after a hasty consultation, thrust him into the carriage and set off northward. They drove slowly, hoping that time and air would effect a cure. When they arrived, a glance at the windows showed that the guests had assembled. They unobtrusively assisted Webster through the back door and up the rear stairs to a bedroom, where he immediately collapsed. But as they cudgelled their brains for some excuse, he suddenly sat up and lifted his voice in a guttural demand: "Bring me a glass of brandy!" Nothing more seemed wanting to produce a complete stupor, but Fish obediently brought a tumbler. Webster drank it off in a few gulps, and blinkingly set the glass down. Then he slowly rose, threw back his shoulders, jerked his waistcoat into place, looked about the assembled group, and remarked in a resonant tone, "Now I am ready, gentlemen." They fell in behind, and he walked downstairs with steady step. An hour later he was entertaining the dinner-table with one of the happiest informal speeches of his career.

On election day Fish, as he had anticipated, was badly defeated. He ran a poor third to the victorious Democrat and the Native American nominee. Completely disillusioned for the moment, he told his friends that he was through with politics forever. He referred in a bitter letter ²¹ to "the entire destruction of whatever political aspirations I may, in my daydreams, at any time have indulged."

His disgust with politics was increased by his last session of Congress, beginning a month after the election. Before it closed, the Democratic leaders effected the annexation of Texas by the impetuous and unprecedented method of joint resolution. The previous summer he had warned his district that annexation meant war ²²—"not war in defense of human rights, or for the extension of civil liberty, not war for the maintenance of national honor or in vindication of national rights, but war for plunder, for territorial aggrandizement, in violation of right and of treaty stipulation . . . ; war odious and condemned in the sight of God and man; war for the extension and perpetuation of human bondage." He was one of the seventy Whig Representatives who voted against the joint resolution, a device which struck him as outrageous and unconstitutional.

²¹ Fish to Edward Dayton, February 22, 1845; *Letterbooks*.

²² Undated address to Whig voters; *Fish Papers*.

III

But the summer of 1846 brought Fish back into the political arena.²³ The Democratic Party in the State was being riven asunder by the slavery question, with the Hunkers who supported southern expansion and the Barnburners who opposed it dividing more and more bitterly. Only with difficulty did they unite sufficiently to renominate their grandest figure, Governor Silas Wright. He well deserved reëlection. Indeed, he had just displayed his integrity and courage by the firmness with which he dealt with the anti-rent disorders. But the Whigs nominated against him John Young, a demagogic ex-Congressman who had been outspoken in sympathy with the anti-renters, and who held a middle-of-the-road position on the slavery question. When the Mexican War began, he had declared that "I will sustain the country, right or wrong." He had also sought popularity in the Erie Canal counties by supporting a wasteful canal appropriation which Silas Wright vetoed.²⁴

To their credit, honorable Whigs were deeply offended. When Thurlow Weed saw at the State Convention that Young was about to triumph over Millard Fillmore, he stalked disdainfully out of the hall. In an effort to placate the conservative elements, Hamilton Fish was unanimously nominated for lieutenant-governor. Philip Hone presented his name. Fish had proclaimed his detestation of the Mexican War; he openly honored Silas Wright for suppressing the anti-rent disorders; and he was already known for his integrity and industry. In spite of his peremptory effort to decline, he was selected (as the *Tribune* put it) to "neutralize the radicalism" of Young. His name lent the ticket strength in the metropolis, where Horace Greeley, James Watson Webb, and other Whig editors were fiercely critical of Young. But this year the anti-renters of the Hudson Valley held the balance of power. Erastus Root sagely remarked, "That fish can't swim in Delaware." Young was elected by a majority of some 11,000; Fish was defeated by more than 13,000 votes. But his defeat could not have been more honorable.²⁵

Though obviously betrayed by certain Whig leaders up-State, Fish accepted the result without rancor. "I beg of my Whig friends," he said when angry mutterings arose in the party, "that I be not made the sub-

²³ In a letter of November 3, 1845, to Hobart Haws, enclosing \$25 for Whig use, he wrote that he had contributed annually for fourteen years, "generally very much above my means."

²⁴ Alexander, *Political History of New York*, II, ch. 10.

²⁵ *Ibid.*, II, 118 ff.; see N. Y. *Tribune*, N. Y. *Courier and Enquirer*, November, 1846.

ject of disagreement." And his conciliatory attitude and quiet dependability soon had their reward. Six months later his successful opponent accepted a judicial office. At a special election in the fall of 1847 to fill the lieutenant-governorship, Fish received a plurality of 3,899 in New York City—usually Democratic—and 30,449 in the State. One reason for his victory lay in the now open schism in the Democratic Party, but others were to be found in his character, conservatism, and ability. Going to Albany for the winter, he made a pleasant impression, Hone's unpublished diary ²⁶ mentions an Albany visit, February 23, 1848:

I dined with Lieutenant-Governor Fish, who has a suite of apartments for his whole family at Congress Hall, at the moderate price of \$125 a week, besides extras for dinner parties, etc., which amount to \$50 more. Governor Fish told me that his bill for the first month was upward of \$900, but he lives like a gentleman and can afford it, and he gives great satisfaction in the discharge of his official duties.

And in 1848 Fish received a much greater testimonial of his rising popularity. Whig hopes that year ran high; the party was nominating the popular Zachary Taylor for President. An enthusiastic State convention assembled at Utica in September. Governor Young's weaknesses had found him out; Thurlow Weed and the conservative Whigs would have none of him, but turned to Fish. "I made but little effort for the nomination," Fish later wrote, ²⁷ "because it was not necessary. Governor Young had made himself unacceptable to the Whig Party, and I did not wish to make him more so. His friends were active all through the State. . . . I sent word to Young that outside the counties of New York, Kings, and Richmond I should not make an effort to obtain a delegate to the nominating convention, but that in those counties, which might be regarded as my 'neighborhood' and in which also the largest patronage of the governor lay, I should contest every district with him and that I should carry four-fifths of them against him. Of the 21 or 22 districts within the three counties, Young finally abandoned, one by one, the contest in all but three. I carried *every one* of them."

Fish was nominated without a struggle. The party regarded him as its ablest candidate for governor since Seward. Now just forty, he was, the *Tribune* remarked, ²⁸ the most popular young Whig in the metropolis.

²⁶ In the New York Historical Society.

²⁷ Fish to John S. Jenkins, April 16, 1851; Letterbooks. This letter corrects some errors made by the author of the *Lives of the Governors of New York*.

²⁸ N. Y. *Tribune*, September 15, 1845.

Greeley placed his finger upon the qualities of moderation, earnestness and modesty which made him strong "Wealthy without pride, generous without ostentation, simple in manners, blameless in life, and accepting office with no other aspiration than that of making power subserve the common good, Hamilton Fish eminently enjoys the esteem of all who know him." His election was a matter of course, for the Democratic vote was cut squarely in half by the antagonism between Barnburners and Hunkers. Governor Young retired in humiliation. "He was a pretty good fellow," wrote Fish later,²⁹ "I should never have quarreled with him, but he chose to have a fight with me . . . I was a passenger who took part in the fight because the Captain persisted in attacking *me*, and it was others, not I, that threw him overboard and made me captain."

Fish's two years as governor, if uneventful, were quietly distinguished. The historian of New York politics, Alexander, has pointed out that he grew steadily in office.³⁰ "People formerly recognized him as an accomplished gentleman, modest in manners and moderate in speech, but his conduct and messages as an executive revealed those higher qualities of statesmanship that ranked him among the wisest public men of the State." No marked innovations were required in New York affairs, and he proposed none. But he supported measures for increasing the number of humanitarian institutions; the extension of the Genesee Valley and Black River Canals; the compilation of colonial laws; and the completion of the normal school at Albany. He urged an act to establish free schools throughout the State, which was passed, but later proved so defective that it had to be repealed.³¹

It was in routine administration that his special capacities were shown. He oversaw the State finances with care. No governor more methodical, industrious, or watchful ever served the State. His carefully-endorsed papers upon every pardon, every appointment, every public institution, attest his conscientious care. He gave up his office in New York, dropped all legal business, and as long as the legislature sat allotted only Saturday nights to his own affairs. Protracted hours at the desk resulted in dyspepsia, and he took up horseback-riding. In dealing with public questions he listened to party elders, and especially to Thurlow Weed. One of his last acts as governor, in fact, was to send Weed a note of thanks.³² "I came here without claims upon your kindness. I leave here full of the

²⁹ Fish to Jenkins, *ut supra*.

³¹ *Messages of the Governors of New York*.

³² Thurlow Weed Barnes, *Life of Weed*, II, 190.

³⁰ Alexander, *op. cit.*, II, 102.

most grateful recollections of your favors and good will." He leaned still more heavily for advice upon his classmate Jonathan Nathan, who wrote many shrewd letters superscribed "My dear Ham."³³ But the ultimate decision was always his own.

Both his annual messages expressed his free-soil convictions. The question of slavery in the vast areas just acquired from Mexico had produced intense feeling. Fish's first message—one which Senator Seward read "with great satisfaction"³⁴—expressed the prevalent New York sentiment for the Wilmot Proviso. The people of the State approached unanimity, he wrote, "in their fixed determination to resist the extension of slavery over territory now free. With them it involves a great moral principle, and overrides all questions of temporary and political expediency." When he penned his second message California was knocking for admission, and he declared that "Congress cannot, without a transgression of its constitutional powers, establish slavery within this territory." He went on:³⁵

New York loves the union of the States. She will not contemplate the possibility of its dissolution; and sees no reason to calculate the enormity of such a calamity. But she also loves the cause of Human Freedom; and sees no reason to abstain from an avowal of her attachment. While, therefore, she holds fast to the one, she will not forsake the other.

But true to his moderate temperament, he also protested against sectional antagonism. "It is of infinite moment that you should properly estimate the immense value of your National Union to your collective happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and to speak of it as a palladium of your political safety and prosperity; watching for its preservation with jealous anxiety. . . ."

Again obeying his conciliatory temperament, he labored to preserve party harmony. There were, he pointed out in letters to friends, two great Whig factions, the Conservatives and Progressives, the former taking a moderate and the latter a radical stand on the slavery issue. The principal Conservative leaders, apart from himself, were Daniel D.

³³ In appreciation of Nathan's services, Fish gave him a handsome silver service. After Fish's retirement from the bar, Nathan did much legal work for him. Annie Nathan Meyer to author, March 29, 1936.

³⁴ F. W. Seward, *Seward at Washington*, II, 96.

³⁵ *Messages of the Governors*, IV, 233 ff.

Barnard, Millard Fillmore, and John A. Collier.³⁶ The foremost Progressive leaders were Seward and Horace Greeley. The Progressives held a preponderance up-State; the Conservatives, as he wrote, embraced "a very large amount of the intelligence and the wealth of the party, and especially the commercial men in the large cities." He felt that Taylor's Administration was giving the Federal plums too exclusively to the Progressive Whigs. In letters to Washington, he urged appointments from the other group—in particular, a diplomatic appointment for Daniel D. Barnard, "a ripe scholar and a profound jurist, calculated to adorn any station."³⁷

Fish had reason to hope that Taylor would respond to his suggestions. "It is true," he wrote J. Prescott Hall on August 24, 1849, "that I was not one of those most active in procuring the nomination of General Taylor . . . But after it was made no man in the State supported it more zealously . . ." Early in the Administration he had sent the President a discolored wax candle, recovered by his father in 1824 at Yorktown when a forgotten underground magazine of Cornwallis's stores was cleared out. "It was then as ugly and discolored as now," wrote Fish,³⁸ "but I remember well the emotions with which I first looked upon it in the hands of my venerated father, who bade me respect it as a memorial of a great event." A friendly regard grew up between Fish and the President. When in the early summer of 1850 Taylor resolved upon making an entirely new Cabinet, he decided to call Fish to a place in it. He discussed the selection of new men with Thurlow Weed.³⁹ "I . . . gave him," writes Weed, "my reasons for believing Governor Fish remarkably well qualified to discharge all the duties of the Treasury Department understandingly . . . After going over the ground again, the President decided in favor of Governor Fish for the Treasury." But before action could be taken, Taylor was dead.

To his own appointments Fish gave much care. The most noteworthy started a young lawyer of Utica upon a distinguished career; for on April 22, 1850, he named Roscoe Conkling district attorney of Oneida County. Eight months later he wrote Conkling's father⁴⁰ that "the friends of some of the unsuccessful candidates at the time were very

³⁶ Alexander, *op. cit.*, II, 144 ff.

³⁷ Fish to Zachary Taylor, August 8, 1849; Letterbooks.

³⁸ Fish to Taylor, June 23, 1849; Letterbooks.

³⁹ *Autobiography of Thurlow Weed*, edited by Harriet Weed, 591.

⁴⁰ Fish to Alfred Conkling, December 26, 1850; Letterbooks.

severe in their censure of me," but that "the appointment has vindicated itself." Against nepotism he set his face sternly. When he took office his brother-in-law, Richard L. Morris, held a lucrative State position. Fish did not interfere with it, but when Morris intimated that he would like a better place, the governor rebuked him with asperity. He pointed out in a letter of December 24, 1850, how sensitive the public was to family appointments, and how sharply President Taylor had been censured for appointing his son-in-law as private secretary.⁴¹ He continued:

I regret to find from your letter that you have not thought of any higher considerations as capable of controlling my official actions than the selfish and discreditable views of "political aspirations" or a desire "to keep all the political capital I have and to get all I can." If this be the highest motive of action which my friends can suggest for any disappointment of their wishes in my official conduct, I confess that I have labored in vain, through my whole life, to earn a reputation for integrity and principle. . . . I have endeavored in every position in which I have been placed to discharge the duties incumbent upon me, conscientiously and honestly and without regard to myself. If I know myself, I have no political ambition ungratified except to carry with me into retirement . . . the consciousness and the deserved reputation of an honest, a faithful, and a conscientious discharge of the public trusts which have been committed to me.

IV

These two Albany years were a happy period in Fish's life. He leased a roomy, comfortable house at 15 Elk Street, paying \$1,250 a year in rent. A few doors away lived John V. L. Pruyn, a genial, cultivated, and exceedingly able representative of the old Dutch stock, the Democratic Congressman from Albany for many years.⁴² David D. Barnard, eccentric, dogmatic, but with a marvelous fund of information, lived at the corner.⁴³ The three often made Fish's drawing-room ring with their arguments, stories, and laughter. His family, too, was steadily growing; the four daughters who came first were followed by three boys, Nicholas, born in 1846, Hamilton, in 1849, and Stuyvesant, in 1851. His uncle, Peter Gerard Stuyvesant, had died in the summer of 1847, and the estate

⁴¹ Letterbooks.

⁴² Upon this friendship I have had much information of value from Mrs. William Gorham Rice and Mrs. Charles S. Hamlin, daughters of Representative Pruyn.

⁴³ The papers of Daniel D. Barnard in the State Historical Library at Albany contain much unexplored material on Whig history.

was divided equally among three nephews, Gerard Stuyvesant, Rutherford Stuyvesant, and Fish. This handsome addition to his fortune had made Fish completely independent, and he was able to give up his law practice without anxiety.

Though Fish became well acquainted with Seward, the most important of his new friends was that picturesque and sagacious political manager, Thurlow Weed. He was a new type of friend. Barnard and Pruyn had both sprung, like Fish, from well-to-do families. But Thurlow Weed had been born the son of a poverty-stricken farmer in upper New York, had been hired out at eight to a blacksmith who paid him six cents a day, and had gained his first foothold in the world at twelve as devil to an Onondaga Hollow printer.⁴⁴ Fish heard Weed relate curious stories of the past—how he had made maple-sugar barefoot in the snow, or with bits of old carpet tied about his feet; how he had nearly perished with fever and ague; how before he reached his teens he had done heavy work at an iron furnace, living on salt pork and Indian bread; how in 1816, working for a book-printer in New York, he had carried proof-sheets to William Cobbett; how he had patiently educated himself; how delighted he had been when in 1817 the *Albany Register* allowed him to write his first editorial paragraphs. In 1830 he had established the *Albany Evening Journal*. Thenceforth he had been one of the political powers of the State. His love for wirepulling was unconcealed, but he was thoroughly honest, and to Fish he seemed singularly unselfish.

"I have much dependence on the sincerity and truthfulness of Weed," the governor wrote A. W. Bradford on January 13, 1850.⁴⁵ "The devotion of Weed to Seward I respect; it is the growth of long years of intimacy, of friendship, and is, I think, distinterested. The history of their connection and intimacy is peculiar, and it exhibits many evidences of a disregard of self on the part of Weed, in his endeavors to advance his friend. All of this I respect and admire. Had Weed been a selfish man, the opportunities which he has enjoyed, by means of the services he has rendered to Seward, might have placed him in a very different position from that he now occupies. He may be, and he probably is, fond of power, but he has not exercised it to his own advancement beyond the attainment of a very moderate competence." This was a just appraisal. Though Weed had strong prejudices, Fish observed that he also possessed strong attachments. Long after Fish

⁴⁴ *Autobiography of Thurlow Weed*, *passim*.

⁴⁵ Letterbooks.

became Secretary of State, Weed's shrewd, pointed letters formed one of the most interesting—and helpful—parts of his correspondence.

As his term ended, Fish laid plans to return to New York. He had begun the extensive construction of houses on unproductive city lots which he owned, finding this a profitable investment.⁴⁶ He was building a handsome dwelling on Stuyvesant Square, completed in the late summer of 1851, which was destined to remain his city home the rest of his days. He hoped soon to take his family on their first trip abroad. But the Whig Party could not spare him just yet.

⁴⁶ Fish wrote his college mate H. N. Brush on April 17, 1851: "I am building somewhat extensively, and . . . I not only get interest for the money invested, but also make an unproductive piece of land yield an income"; Letterbooks.

FISH might easily have been reelected governor in 1850. But he did not desire it, while his friends intended to make him Senator in succession to Daniel S. Dickinson, a Democrat, whose term expired March 4, 1851. An able up-State Whig, Washington Hunt, was therefore nominated and elected governor after a close race with Horatio Seymour. As New Year's eve, 1850, brought legislators crowding into the lobbies of Albany hotels for the session on the morrow, Fish's supporters were busy urging him for the Senate seat. He had several rivals, the chief being James Watson Webb, editor of the *New York Courier and Enquirer*; a mercurial, hotheaded giant, always ready to tweak a nose, fight a duel, or launch a libel suit. But Fish had the stronger backing, and on January 31, 1851, the Whig caucus voted to make him the party nominee. As both houses were Whig, this was thought equivalent to election.

But the election was not carried through without a grim and dramatic struggle; and for the explanation of this we must turn to the national scene. The clouds of the storm that was to break over the nation just ten years later were already mounting blackly in the sky. Both parties were more and more seriously divided by the slavery issue. During 1850 the question of the status of the vast region acquired from Mexico had produced a national crisis. Should California be admitted as a free State? Should the new territorial government in the remainder of the region exclude or permit slavery? To answer these and other questions, Henry Clay on January 29, 1850, had presented the resolution which formed the basis of his famous Compromise between North and South.¹ On March 7 Daniel Webster had come to his support in a famous but much-abused speech. Radicals on both sides, under Seward and Chase in the North, under Calhoun and Jefferson Davis in the South, had risen in arms against the plan. It was Fish's position on this overshadowing national question which in the first weeks of 1851 suddenly endangered his election as Senator.

¹ Fish had ardently hoped for Clay's nomination by the Whigs in 1848, when the prize went to Taylor. His son Stuyvesant Fish, Sr., has left an undated memorandum of a conversation with his father on a boat in the Hudson, when he expatiated upon his devotion to the great pacificator.

Characteristically, Fish had not sympathized with either extreme on the issue; he disliked the intolerant free-soilers like Chase, and disliked still more the intolerant slavery men like Calhoun. At first he sympathized with President Taylor, who wished to deal only with the most pressing questions, postponing all others. Though himself a Louisiana slaveholder, Taylor opposed Clay's elaborate Compromise (involving a Fugitive Slave Act, a money payment to Texas, and other points) as an unwise concession to the threats of Southern secessionists. He favored the immediate and unconditional admission of California as a free State—nothing else. New Mexico should be left for the time being under a military government, and other questions skirted. He exhorted Senator Hannibal Hamlin to resist the Compromise to the last: ² "Stand firm; don't yield; it means disunion, and I am pained to learn that we have disunion men to contend with; disunion is treason." The doughty President, whose war-horse Old Whitey grazed on the White House lawn as a reminder of military days, threatened if necessary to take the field and hang all rebels. Fish for some time thought him right. Much as he admired Clay, he believed that the Compromise conceded too much, and in particular that the Fugitive Slave Act was a firebrand which it would be most unwise to hurl into the North.³

Yet it became evident during the spring of 1850 that Clay was wiser than Taylor. The Lower South was in a dangerous mood. As Fish saw that it might actually secede, that the unconditional admission of California was quite impossible, he changed his mind. The speeches of Clay and Webster produced a powerful effect upon him. He swung to a general endorsement of the Compromise as the best way out. The death of Taylor on July 9, 1850, proved a turning point in the crisis. Millard Fillmore, who succeeded him, was a supporter of the Compromise. The Cabinet was reconstituted with Webster as Secretary of State; Clay wrote his son that "my relations with Mr. Fillmore are perfectly friendly and confidential." With the new Administration behind the Compromise bills, one by one they passed. When Fillmore sent Congress a special message to expedite the first, Fish congratulated him: ⁴ "In tone and sentiment it is unexceptionable, impregnable in argument, and a model for its

² Schurz, *Henry Clay*, II, 352.

³ From the beginning of his career Fish had decried sectional intolerance on the slavery issue. In a letter of January 8, 1840, to James Monroe, he had written: "What news have you in Washington? Do for God's sake find some means of disposing of that eternal firebrand 'Abolition.'" Letterbooks.

⁴ Fish to President Fillmore, August 12, 1850; Letterbooks.

firmness and decision." The governor expressed satisfaction over the rapid triumph of the Compromise.

This triumph was followed by an interesting correspondence between Fillmore and Fish. On September 9, 1850, the President exultantly wrote him: ⁵ " 'The long agony is over.' I have just approved and signed bills settling the disputed boundary between New Mexico and Texas, admitting California as a State, and providing territorial governments for New Mexico and Utah. Though these several acts are not in all respects what I could have desired, yet I am rejoiced at their passage, and trust they will restore harmony and peace to our distracted country. I think too the manner of their passage is most fortunate. Their success is not owing to any party or section, but portions from both parties and from all parts of the Union have united in their passage." In reply, after congratulating Fillmore, Fish explained his objections to the Fugitive Slave Act, and asked the President to do everything in his power to restore Whig unity. Between the Whig radicals, Seward, Greeley, and Weed (opponents of the Compromise), and the Whig conservatives under Fillmore, Francis Granger, and Hugh Maxwell (friends of the Compromise) enmity was deepening. Fish wrote that the President might lessen it by impartial use of the patronage, and by urging the removal of defects in the recent legislation: ⁶

The Fugitive Slave Bill is perhaps the only remaining cause of difficulty, and as between Whigs, I do not see that it affords any real ground for division. All admit the Constitutional obligation resting upon us. It is felt to be a hard duty, but it is recognized. Some of the features of the late Act are regarded with much disfavor, but nothing more is asked by Whigs than the modification of some of these. I should be glad to see all discussion with regard even to the objectionable features of the Bill postponed until the public mind at the South, as well as at the North, becomes more calm and tranquil. But I feel that this desire of the Northern Whigs may be entertained without being cause of separation between Whigs.

What then is there to divide the party but mere personal differences? And are these sufficient to justify the dissolution of the noblest political party which has existed in this country since the days of the Revolution? These personal differences, I am aware, are vexatious and not very easily overcome; still, they *can* be overcome. . . . Those parties to those differences who have been your friends might remember that they have the power and strength of the Administration with them. They can afford to be magnanimous; it is the conceded privilege of the vanquished to complain.

⁵ Fish Papers.

⁶ Fish to President Fillmore, November 18, 1850; Letterbooks.

Fillmore replied ⁷ that while he was anxious to promote Whig harmony, the Seward-Greeley faction seemed to be trying to alienate as many voters as possible from the Administration. He was determined not to use the patronage to aid the personal aspirations of anybody. As for the recent legislation, he must maintain the supremacy of the laws. "I know the deep-seated prejudice that pervades the community, and especially the larger portion of the Whig Party of the North, against slavery; and how easy it is to transfer the odium of the Fugitive Slave Law to those who feel bound to sustain and are compelled to execute it. But I am persuaded that the perpetuity of this glorious Union depends in a great measure upon the faithful discharge of that duty, imposed by the Constitution, of surrendering fugitives from labor. I therefore see no alternative for an honest man but to stand by the Constitution. . . . But if there be any provisions that endanger the liberty of the free colored man, unnecessarily, they should be changed. We are bound to deliver the fugitive, but we are bound also to protect the free citizen. . . . The other issues growing out of the acquisition of our new territory and slavery have all been settled, and I doubt not the great majority of the people will acquiesce in that settlement. But I fear that they do not fully appreciate the danger to which we are exposed at the South, and the infinite importance of setting the example of maintaining the Constitution in all its parts."

Fish caught at this hint that changes might be asked in the Fugitive Slave Act. He suggested that Fillmore ask in his annual message of 1850 for amendments: ⁸

The law, as it stands, applies to all persons who in any time past may have escaped from service. There are many who have lived for years at the North and established relations which could not now be severed without shocking the feelings of those around them—men who have thus lived for years at the North, and as freemen, would not be likely to prove either very valuable, or very *safe* if returned among their former associates in bondage. The owners will hardly desire this, and cannot be very anxious to reclaim them. But this retroactive feature of the bill tempts the cupidity of a class of mercenaries who traverse the free States, collecting names and descriptions of persons of color who are supposed to have escaped; and these scoundrels, for a small consideration, may purchase the right of the former owners, with the view to make profit out of the sympathy of the neighbors of the fugitive, even at the hazard of violent resistance. Many colored persons at the North,

⁷ President Fillmore to Fish, November 21, 1850; Fish Papers.

⁸ Fish to President Fillmore, November 27, 1850; Letterbooks.

who were born in slavery, have become free by actual manumission, but have lost the *evidence* of emancipation, either by operation of law (such as by their being voluntarily brought or allowed by their masters to come into the free States). . . . The want of means to employ counsel and the general want of intelligence and education among this class leave them a hopeless chance should a claim be advanced in the name of their former owners, under a bill so severe in its penalties that the marshal is necessarily urgent for a summary decision, and under which the pitiful inducement of a five dollar fee is held up to tempt the Commissioner to decide the case adversely to the alleged fugitive.

I know not whether you propose to specify objections to the Bill, or to suggest any of the features in which it might be amended. Should you, however, decide to do so, I think there are features which might be indicated for amendment, which look to the proper protection of those who are not liable to the constitutional obligation, as well as to the removal of much of the excitement caused by the retroactive operation of the law in every town and hamlet of the North. . . .

I think that the allaying of the excitement which pervades the North, which has entered the pulpit, and is stimulated by the resolves of the synods and assemblages of religious and pious men much more, in my opinion, than by the agitation of political men, can only be accomplished by an amendment of the bill; while the political effect of such recommendation coming from you, indicating in a decided tone the objectionable and the *exciting* features of the law, would have the effect, as I believe, of furnishing a point of which that section of the Whig Party in this State which has been supposed least friendly to you, would readily avail itself to speak in terms of commendation and of kindness.

But President Fillmore felt it unwise to anger the South by moving so rapidly. He replied on December 4, 1850, that Fish's advice had not arrived until his message was in the hands of the printer. His Cabinet had unanimously advised against asking for amendments in the Fugitive Slave Act until time and experience had shown more clearly just what changes were needed.⁹ In this Fish acquiesced. On December 23 he wrote that he acknowledged the wisdom of Fillmore's decision not to reopen the sectional issue. "My apprehensions arose from the excited feelings at the North, which I thought would have required some concession to be appeased. But the manner in which your message has been received has removed those apprehensions for the present."

Fish occupied ground of his own. While he declined to follow the "Cotton Whigs" in their ready acceptance of the Fugitive Slave Act, he was willing to wait patiently for amendments, hoping that before long

⁹ Fish Papers.

the two party factions would unite.

But it was a position easy to misunderstand, as the Senatorial election in 1851 showed. Fish's intimacy with Thurlow Weed had aroused comment. He had written many letters and made many statements in conversation criticizing the Fugitive Slave Act. The conservative Whigs took alarm. Following the caucus vote for Fish as Senator, they suddenly demanded assurances that if he went to Washington he would support the Compromise in its entirety. The situation severely tested his strength of character. These men joined in a letter which, after quoting Fillmore's annual message on the Compromise, demanded if Fish agreed with it. As a matter of fact, he did. But he quite properly refused to answer the letter. He believed that troublemakers were trying to toss an apple of discord between the two party wings. As he said, the Seward-Weed Whigs were likewise trying to extract promises from him; he saw no reason to tie his hands or make unnecessary enemies; and he thought the party should stop its incessant bickering. He merely wrote a long public letter ¹⁰ to Governor Hunt affirming his support of the Fillmore Administration and all parts of the Compromise save the Fugitive Slave Act, and saying that while he wished the Act amended as soon as possible, he would not "jeopard the Union" by a premature demand for alterations.

This did not satisfy the moderates. They charged Fish with subserviency to Seward and Weed.¹¹ The State Senate contained 17 Whigs and 15 Democrats. A moderate member from New York, James W. Beekman—who had been at Columbia with Fish and whom Fish had persuaded to enter politics—deserted his party to cause a tie, 16 to 16. Fillmore himself wrote a letter urging Fish's election, but Henry Clay penned one approving Beekman's course. This angered Fish, who sent Clay a spirited assurance he would never write truckling letters to gain votes: ¹²

I have, both in conversation and in correspondence, expressed my opinions very freely upon the propriety, policy, and details of the several measures be-

¹⁰ Fish to Washington Hunt, February 6, 1851; Letterbooks.

¹¹ See *Albany State Register*, Feb. 21, 1851, for an excellent history of this contest; also Alexander, *Political History of New York*, II, 148 ff. John Young was in Albany, pretending to speak for the Administration and insisting that Fish's election should be defeated unless the legislature first passed satisfactory resolutions to bind him; Governor Hunt to Fish, Feb. 4, 1851, Letterbooks. Clay wrote, "Of Governor Fish, I personally entertain high opinions"; Clay to Hugh Maxwell, Feb. 15, 1851, copy in Fish Papers.

¹² Fish to Clay, February 18, 1851; Letterbooks.

fore the last Congress, and upon the imperative and absolute importance of the enforcement of all laws, however distasteful they may be to sectional feelings. . . . Prior to the immediate approach of the election for Senator in this State, no *gentleman* (of whatever shade of political sentiment) who desired to know my opinions was left in any doubt. Many hundreds conversed with me, and I presume that letters of mine could be found in nearly every county of this State, and many addressed to gentlemen in other States, in which I have spoken freely and fully on the subject of these measures. . . .

It may be that I have been over-scrupulous in the desire to avoid interference with the election. I have *more* than good reason to believe that the repetition of five lines from either of many letters written before the legislature met, if addressed to the Senator who prevented an election, would have secured my election. But *for the purpose* of influencing him, I would not repeat them. Nor would I even have said my prayers aloud. The State may be left with but one Senator, or possibly a Free-soil Democratic Legislature may next year send one of their own faith. But high as I estimate a seat in the United States Senate, I hold my own honor and character too high to obtain that seat by what I should deem a sacrifice of consistency or of self-respect.

But after a long deadlock, on March 18, 1851, when two Democratic Senators were absent, Fish's friends saw their opportunity. They sprang a resolution to go into an election; and after an unbroken struggle of fourteen hours, at two o'clock the next morning they triumphed. A hundred guns were fired; "the exultant cannon of the victors," writes Henry B. Stanton,¹³ "startled the city from its slumbers."

"So perish all conspiracies to thwart the will of the people," exclaimed Greeley's *Tribune*. The election was hailed throughout the East as strengthening the Fillmore Administration. James Watson Webb paid Fish a handsome compliment in the *Courier and Enquirer*. "No purer or more conservative individual can be found in the Empire State," he wrote.¹⁴ Other newspapers were certain that despite his dislike of the Fugitive Slave Act, he would set his face against every manifestation of sectional hatred.¹⁵ In neighboring Massachusetts the radical Springfield *Republican* pronounced him "a sterling Whig, national, conservative, and able."

I

Hamilton Fish's six years in the Senate attracted little public notice. He was an industrious, useful, and generally silent member. For public

¹³ *Random Recollections*, 172.

¹⁴ N. Y. *Courier and Enquirer*, March 19, 1851.

¹⁵ See the leading conservative Whig organ, the *Albany State Register*, March 20, 1851.



THURLLOW WEED

speaking he had no gift; he rose from time to time, but only to deliver a dozen sentences full of compressed information, or to express his personal views concisely. He labored diligently in committee, and conducted a wide correspondence. To him the work of government was primarily a business. He disliked controversy, cared nothing for the fame of a debater, and believed that more could be accomplished in quiet consultation than in forensic discussion.

There have been times when such Senators as he have been highly regarded. This was not one of them. The period was too bitterly controversial. The slavery question had aroused high passions on both sides of the Mason and Dixon Line; the men who were valued were the parliamentary gladiators, like Sumner and Chase, Douglas and Toombs, who exchanged blow for resounding blow. The two preceding decades, when Webster, Clay, Benton, and Calhoun were in their prime, had accustomed the country to brilliant oratory, and people expected the Senate to furnish it. Fish was ignored, while his colleague Seward stood in the spotlight of popular renown. Yet there was method in his silence. He intensely disliked the growing sectional antagonism, he was resolved to contribute nothing to it, and in those tense days the best way to avoid angry controversy was to keep still.

But the Senate was nevertheless a valuable training ground for the responsibilities which he was to assume almost two decades later. He came in with two other men destined to be famous. In December, 1851, Seward presented the credentials of Fish; Chase those of Benjamin F. Wade; and Lewis Cass those of Charles Sumner. And he joined an assemblage of distinguished men, contact with whom offered a rare political education.

The Senate chamber was still the old semi-circular room, the little arena of great fighters, that later housed the Supreme Court. There had appeared the swarthy domelike brow and fiery eyes of Daniel Webster, the long, autocratic, kindly countenance of Clay—both destined to die within the year. Fish already knew Seward, cool and self-possessed, with his wary blue eyes, taking snuff in the midst of the tempest, and Chase of Ohio, stately and aristocratic. He quickly became acquainted with Douglas of Illinois, a sturdy, dynamic dwarf, strung with steel nerves, his face knotted with thought and stern with will; Sam Houston, with ruffled shirt but frontier manners, whittling doves and arrows out of wood; Pierre Soulé, a dark, dapper man with a Parisian elegance of

costume; and Jefferson Davis, with his sharp, haughty features, mouth and chin cruelly firm, eyes defiant and ambitious. The two whom he came to know best were Sumner, a bachelor who loved polished society and cultivated talk, and who was much at Fish's house; and William Pitt Fessenden of Maine, indescribably tall, lank, and awkward, but of lucid intellect and unyielding courage.

He measured the giants with realistic shrewdness. "I am not able to excite a sentiment of friendship or of warm feeling toward Mr. Webster," he confessed.¹⁶ "I entertain a high admiration for his genius and his intellectual greatness, but it seems to me that when nature engaged in creating him, she determined upon an intellectual monster, and forgot to give him a heart. I wonder, admire, distrust, and cannot love him." Of Clay he wrote: ¹⁷ "The ardor of his temperament sometimes amounts to impetuosity, if it does not even run to imperiousness. But there is a generosity of purpose which excuses some exhibitions of an overbearing temper, which genius accompanied by warmth of heart is not unapt to present." After Clay's death in 1852, Fish was one of the Senatorial deputation which accompanied his body to Ashland. Several incidents of the journey embedded themselves in his memory. One was the overmastering fear which Sam Houston of Texas exhibited when, soon after embarking on Lake Erie, their steamboat encountered rough weather. Dread of water amounted to an obsession with him. Another was the fact that Senator Cass of Michigan became intoxicated on the railway trip through Ohio. Senator (later Vice-President) William R. King of Alabama was of the party, and entertained Fish with political reminiscences that reached back to the War of 1812.¹⁸

Fish bought a house on H Street, between 17th and 18th—the site of the present Metropolitan Club; a roomy, cheerful place, with grounds and a stable. Near by lived Captain W. H. Emory, a Marylander whom Fish was later to get appointed brigadier-general, and Henry A. Wise of Virginia, married to Edward Everett's daughter, and in war days to be one of Welles's ablest subordinates in the Navy Department. In 1851 Fish's third son, Stuyvesant, was born, and five years later the

¹⁶ Fish to Daniel Lord, May 20, 1852; Letterbooks. Webster had left the Senate to become Secretary of State under Fillmore.

¹⁷ Fish to Alvah Hunt, February 23, 1852; Letterbooks.

¹⁸ Stuyvesant Fish, Sr., to John Bassett Moore, reporting conversations with his father; Fish Papers. Fish later heard other stories of Houston's phobia for water. A man who had been on his staff told Fish that when they forded streams during the Texas campaigns the staff closed about Houston lest he betray his fear.

eighth and last child, Edith. But despite household cares Senator and Mrs. Fish took as prominent a place in the capital's society as any Northerners could in that decidedly Southern city. Mrs. Fish's tact and generosity won friends everywhere, while Fish's moderation of temper made his drawing-room a neutral ground between hostile camps. They entertained Thackeray and other visiting Englishmen. From 1851 to 1853 they were among the closest friends of the President and his wife. Just after Franklin Pierce's inauguration, Mrs. Fillmore died of pneumonia at Willard's Hotel. On the morning of the last day Fillmore sent a messenger for Mrs. Fish, who remained at the bedside until the end; and Fish was the first to pay a call of condolence.¹⁹

While Fish voted with the free-soil Whigs throughout his term, and was deeply aroused by the Kansas-Nebraska Act of 1854, Southerners were always welcomed to his house. Seldom did he or Mrs. Fish betray their political feeling. Laurence Oliphant, who accompanied Lord Elgin on his diplomatic mission to Washington in 1854, relates that a few nights after the passage of the Kansas-Nebraska Act they dined with a large party of men at Fish's house. Mrs. Fish acted as hostess. Toombs of Georgia, coarse, loud, and triumphant, was much in evidence. He showed a tendency to "orate" upon the new legislation, and in a pause in the discussion finally addressed Lord Elgin in stentorian tones:

"Yes, my lord, we are about to relume the torch of liberty upon the altar of slavery."

Upon which Mrs. Fish, with a winning smile and the most silvery of accents, remarked:

"Oh, I am so glad to hear you say that again, Senator; for I told my husband you had made use of exactly the same expression to me yesterday, and he said you would not have talked such nonsense to anybody but a woman."

The shout of laughter which greeted this sally abashed even Toombs.²⁰

But Mrs. Fish, like her husband, was essentially conciliatory. Early in 1854 the two Massachusetts Senators, Sumner and Edward Everett,

¹⁹ Letterbooks; Fish Papers. For Thackeray's relations with Fish, see J. G. Wilson, *Thackeray in the United States*, I, 119, 155.

²⁰ Laurence Oliphant, *Episodes in a Life of Adventure*, 37. Oliphant relates that on another occasion, dining at Fish's house, he "sat between a Whig and a Democratic Senator who alternately poured abolitionism and the divine origin of slavery into the ear they commanded." It is evident that Fish's house was thoroughly tolerant. For a young Englishwoman's impressions of Fish, see the Hon. Amelia Murray, *Letters from the United States, Cuba, and Canada*.

one bitterly radical on the slavery question and the other conservative, had a violent quarrel. As both were constantly at Fish's house, this was painful. Mrs. Fish invited them separately to tea, scolded them, and arranged that Everett should pay a call and that Sumner should receive him cordially. The result was a grateful note from Everett about the interview.²¹ "It was of a very friendly and satisfactory character. The correspondence on both sides was destroyed, and Mr. Sumner promises me the pleasure of his company next Saturday." Sumner wrote even more warmly: ²² "You are the author of a Treaty of Peace, which you must remember with joy as a Good Work. For me there is joy also and gratitude. If in any respect I have seemed exacting or ungentle, I trust to your charitable judgment."

This friendship with Sumner deserves a few words. Of the 24 Whigs in the Senate when Fish entered, six were regarded as staunch anti-slavery men—Fessenden, Foote of Vermont, Seward, Smith of Connecticut, Ben Wade, and Fish himself. With them were allied the two radical Free-Soilers, Sumner and Chase. Fish had felt an initial distrust of Sumner, whom his friend Robert C. Winthrop of Massachusetts described as dangerously intemperate.²³ "Unless he proves false to all his pledges, he will be a firebrand of the worst sort. I sympathize with those who will be obliged to sit in the same chamber with him and to vote upon his fanatical projects." But their social and intellectual comradeship steadily grew. Sumner said later that the Fish children, in whom he delighted, were "reared on his knee." Fish's papers contain a number of letters which Sumner wrote upon details of legislation. To Mrs. Fish the Massachusetts Senator wrote much more expansively upon literary and artistic topics. In one letter he refers to a piece of statuary which E. D. Palmer, famous for his "White Captive," was executing for Fish, with learned quotations from the Italian poets.²⁴ Another letter throws light on the literary tastes which he shared with the Fish household: ²⁵

I trust you have not judged Longfellow's new poem hastily. It is original and unique. I fear that the critics will be perplexed by its measure and the simplicity of its diction; but these were all adopted carefully as conditions of

²¹ Edward Everett to Mrs. Fish, January 9, 1854; Fish Papers.

²² Charles Sumner to Mrs. Fish, January 9, 1854; Fish Papers.

²³ Winthrop to Fish, April 29, 1851; Fish Papers.

²⁴ Sumner to Mrs. Fish, May 29, 1855; Fish Papers.

²⁵ Sumner to Mrs. Fish, November 12, 1855; Fish Papers.

the Indian life which it portrays. Surely we are to have a succession of feasts. Here is Longfellow's poem; then comes Macaulay's history; and then Prescott's two volumes of the memoirs of Philip II. I envy you the repose which will enable you to read all these things and enjoy them.

Our bitter session commences soon—the bitterest ever held. I see no chance of avoiding it. As Macbeth says: "By the pricking of my thumbs, Something wicked this way comes." But it will not reach you.

Our society in Washington will be somewhat changed. We shall miss the generous representatives of Kentucky and the governor of Ohio, though the latter will be there in November. Can it be to claim his bride? At last George Curtis is mated again. You have heard of his engagement to Miss Shaw—a youthful Diana, very fond of horses and full of good qualities. Some persons seem to find it very easy to become engaged—all of which is contrary to my experience.

I heard that you enjoyed Rachel. I envy you the opportunity. My political performances were on the same nights as her dramatic, so that I lost them. All here who have taste were charmed. She is a genius; but nobody seems to love her. And yet a beautiful lady, who has a home almost as complete as yours, told me last evening that she was so impressed by these performances that she said at her breakfast table, the next morning, that if she had the genius of that actress she would go on the stage! . . .

Besides the poem published on Saturday, Longfellow has another, which has not yet been seen out of the house, which he prizes more than *The Song of Hiawatha*—a little daughter, born last Thursday.

II

For various reasons, Fish received a special training in foreign affairs. In September, 1854, his mother died. His health the next winter being bad, he visited Cuba in March, 1855, where he was repeatedly entertained by the Captain-General. The trip gave him decided views of Cuba which affected his policy when he became Secretary of State. We all, he wrote,²⁶ "returned charmed with the climate, the scenery, and the natural productions of the island where 'only man is vile.' With its present population, the island of Cuba will be anything else than a desirable acquisition to the United States, and I can see no means of getting rid of a population of some 450,000 called whites but really of every shade and mixture of color, who own *all* the land on the island."

In 1855 Fish became a member of the Foreign Relations Committee,

²⁶ Fish to James M. Mason, June 30, 1855; Letterbooks. Fish of course recognized that Cuba contained a large number of highly cultivated people, and in his quotation had no intention of slurring the whole population. But he was convinced that the United States could not absorb so alien a people.

then headed by James M. Mason of Virginia. The Senate that year chose the committee by ballot. It is indicative of Fish's standing that he received the second highest vote under Mason, only Clayton (who had been Secretary of State) preceding him, and Douglas, Slidell, and a dozen others following him. Evidently his cool, pacific temper was valued. This tribute was the more notable in that Fish was an earnest anti-expansionist. The schemes of slavery men for acquiring new territory at the expense of Spain, Mexico, or Central America seemed to him both iniquitous and unwise. He abhorred the Ostend Manifesto, that notorious document of 1854 in which the American Ministers to London, Paris, and Madrid declared that if Spain would not sell Cuba and her retention of the island endangered our internal peace, "we shall be justified in wresting it from Spain if we have the power." He never forgot this insolent doctrine, and was always suspicious of talk of "liberating" (and then acquiring) Cuba.

Two years on the Foreign Relations Committee taught Fish much that was of future value. He became a fast friend of Pierce's Secretary of State, William L. Marcy.²⁷ This vigorous New York Democrat felt no sympathy whatever for Southern aggression. He had repudiated the Ostend Manifesto; he settled amicably the quarrel with Spain over the detention of the American steamer *Black Warrior*; and he insisted that Pierce deal sternly with filibusters like William Walker in Nicaragua. The Senator was pleased also by Marcy's friendliness to Canadian reciprocity; a treaty was drafted soon after the Secretary took office, and it went into effect in the United States in March, 1855. So cordial did the relations between Fish and Marcy become that they laid plans for travel in Europe together after their terms ended. But it was not to be. Marcy was worn out with his toils. On Independence Day, 1857, while seated in a hotel at Ballston Spa reading Bacon's *Essays*, he suddenly fell dead. Fish was among the notable men, Van Buren, Franklin Pierce, and others, who a few days later stood sorrowfully beside his grave in the Rural Cemetery near Albany.

As a member of the Foreign Relations Committee, Fish was also thrown into close association with Caleb Cushing of Massachusetts, Pierce's Attorney-General; an omnivorous scholar, who had written

²⁷ See the flimsy sketch of Marcy in the generally excellent S. F. Bemis, Ed., *American Secretaries of State and their Diplomacy*, VI, 145 ff. Fish's papers contain a number of letters from Marcy.

books on Spain and represented America in China.²⁸ Massive of head and figure, sombrelly impressive in rusty black, coldly intellectual, he impressed Fish by his many-sided erudition. Fish saw much also of Senator Edward Everett, a Boston Brahmin who had served as Minister to England and president of Harvard. In 1852 he had briefly succeeded Webster as Secretary of State, and his knowledge of precedent was now invaluable to the Foreign Relations Committee. Nor did the quick mind of Slidell, soon to be the brains of the foreign service of the Confederacy, fail to strike Fish. As in his thorough fashion the New Yorker studied our Canadian trade relations, the questions of neutrality raised by the Crimean War, the Declaration of Paris in 1856, and other committee business, he little thought that he was preparing himself for the future management of our foreign affairs. But better preparation he could not have had.

III

Throughout these years in the Senate, Fish felt one great preoccupation—the preservation of the Whig Party. One by one in the fifties the links which held North and South together were snapping. The Whig Party was among the most powerful of these links. He hoped that it would remain a truly national organization, strong both South and North; the same great conservative force as under Clay and Webster, hostile to Southern secessionists and Northern Abolitionists alike.²⁹ The Compromise, in combination with the earlier Missouri Compromise, had left the status of every acre under the American flag defined as regarded slavery. Why not accept it and, after amending the Fugitive Slave Act, leave the slavery question to time? He regarded the movement to erect a sectional anti-slavery party upon the ruins of what might still be a great union party as insanely perilous.

“The political cauldron is beginning to warm,” he had warned Governor Hunt from Washington as Congress opened in December, 1851,³⁰ “and the ingredients which Macbeth’s witches used for their hell-broth were not more various or infernal than those which are being thrown into the mess now preparing.” Senator Foote of Mississippi had introduced a resolution pledging Congress to a loyal support of the Compromise.

²⁸ Cf. Claude M. Fuess, *Caleb Cushing*.

²⁹ R. M. Ormsby, *History of the Whig Party*, ch. 30.

³⁰ Fish to Washington Hunt, December 20, 1851; Letterbooks.

Against it rallied, as Fish declared, "the extremes of Abolitionism and of Secession, Rhett and Hale, Sumner and Borland." Seward opposed it, but he intended to vote aye. "I shall regret to be brought into opposition here with my colleague," he went on, "and I know what will be the probable consequences. I will be the sufferer throughout the State. Denunciation will be strong . . . ; but unless I so vote the entire Whig Party of New York becomes identified with the movement, no longer disavowed or merely suspected, of amalgamating its objects and its interests at least for the present with the ultra men of both sections. And what is still worse, the opinion now common at the South (even with moderate men) that the North is determined to continue agitation upon the slavery question, and to disturb the existing laws, will extend, and must produce further estrangement between the sections." The growth of such estrangement, he added, "must *in the end* produce separation." He labored to rally other Northern Whigs—Clarke of Rhode Island, Truman Smith of Indiana, Miller of New Jersey—for the resolution, and asked Governor Hunt to assist him by a statement which he could use. But the resolution was never brought to a vote.

As the campaign of 1852 approached, Fish strove earnestly for the nomination of Winfield Scott. While he liked Fillmore personally, and thought many of his policies prudent and successful, the Senator could not forget that the President had let himself be made head of a single section of the party. With Daniel Webster's hope for the nomination he had no sympathy whatever. He believed Webster selfish and unprincipled; ³¹ he "could not carry three States in the Union." Like Bacon, he was "the greatest, wisest, meanest of mankind," and Fish would rather see Marcy in the White House. But even Scott's chances he believed dubious. Though the Southern Whigs knew that the general had favored the Compromise, they now demanded that he pledge it complete support. Many Northern Whigs, on the other hand, would desert him if he added another word to his previous acquiescence. "Between the two, we are in a fair way to fail," lamented Fish. He was right. After a colorless campaign, Franklin Pierce, who enjoyed a more united support, obtained 254 electoral votes against 42 cast for the pompous old commander.

Fish did not yet lose hope. "Not for a moment," he wrote,³² "should

³¹ Fish to Daniel Lord, May 20, 1852; Letterbooks.

³² Fish to Lewis Kingsley, December 30, 1852; Letterbooks.



HAMILTON FISH AND MRS. FISH IN MIDDLE LIFE

we think of abandoning the good old ship; she has been driven ashore by stress of weather, but is yet staunch and sound, and has a gallant and true-hearted crew who will yet keep her afloat. . . ." He believed in a passive policy; they should wait for Democratic blunders, meanwhile allaying "the jealousies and the prejudices which have proven so destructive within our own ranks." But the darkest days lay just ahead.

On January 4, 1854, with the gesture of a knight hurling his gauntlet into the arena, Douglas reported a bill for the territorial government of Nebraska which provided that whenever this region should be admitted as a State or States, it should enter "with or without slavery" as its Constitution at the time might determine.³³ Fish heard the press and pulpit of the North sound an instant alarm. The South was taking the field; the Compromise of 1850 had proved the briefest truce, and the battle was all to be fought over again. In a long Sunday conference, as Fish learned, Douglas and Jefferson Davis won President Pierce's assent to this momentous repeal of the Missouri Compromise.

Vainly the free States seethed with anger; vainly Northern Democrats like Marcy lifted voices of protest; vainly moderates like Fish warned the South of the consequences. The night before the bill passed, Senator Seward spoke for his angry and determined section: ³⁴ "Come on, then, gentlemen of the slave States. Since there is no escaping your challenge, I accept it on behalf of the cause of freedom. We will engage in competition for the virgin soil of Kansas, and God give the victory to the side which is stronger in numbers as it is in right!"

Fish realized with a sinking heart that the disintegration of the Whig Party was now almost inescapable. While every Northern Whig in both House and Senate voted against the bill, 21 of the 29 Southern Whigs voted for it. How could the organization survive such a schism? Among anti-slavery men arose an instant demand for a new party. A movement for "Union" or "Anti-Nebraska" State Conventions swept throughout most of the North. Before July 4th such gatherings had been summoned in Ohio, Indiana, Michigan, Wisconsin, and Vermont; before August 1 conventions in three States had formally adopted the name Republican. The new organization included old Free-Soilers, radical Whigs, Abolitionists, and Wilmot-Proviso Democrats, all burning with fervor.

³³ George Fort Milton, *The Eve of Conflict: Stephen A. Douglas*.

³⁴ T. K. Lothrop, *William H. Seward*, 132.

Fish, detesting the Kansas-Nebraska Bill as much as anyone, made his opposition to it clear in his private letters. Though it was certain to pass the Senate, he wrote S. B. Ruggles,³⁵ "I should never be justified were I absent from a vote. It is the most flagrant outrage which a dominant faction has ever yet ventured upon in this country." But he deplored the intemperate oratory from fire-eaters on both sides which now filled the Senate Chamber. He wrote H. H. Elliott on February 11, 1854:³⁶

The reopening of the slavery agitation, and the proposed negation of a solemn compact between conflicting sections and opinions is, in every point of view, to be greatly deplored. I have *ever* avoided discussing the slavery question. With all the Northern sentiment on the subject of slavery strongly and even actively operating on my mind and my conduct as a private citizen, I have ever refused to obtrude my sentiments or to express my opinions so as to offend those who look at the institution of slavery from a different standpoint from that which I occupy. There have been times when I have been forced to speak; such occasions may again occur. . . . Should they come, I shall endeavor in the future as in the past to meet the exigency of the occasion, and to express what I must express decidedly, but temperately, and with a view to allay, not to stimulate agitation. I believe that every duty directs an abstaining from agitation on this question; it is of fearful import, and of most threatening and disastrous consequences. I am prepared to visit with equal and with indiscriminating censure, and vengeance if you will, *all* agitators upon the slavery question, whether they be the pro-slavery agitators of the South, the anti-slavery agitators of the North, or the political speculators who, for anticipated preferment or party success, will raise the fell spirit of discord, and let loose wild passions and sectional differences which may rend in sunder the bonds which have hitherto made us one nation.

I read your letter to a couple of Southern Whigs; they expressed a strong conviction of the force and propriety of what you write, but "their people will expect them to vote for the repeal of the Missouri Compromise!"

Thus Fish refused to follow men like Sumner and Chase, journals like the *New York Tribune* and *Springfield Republican*, in demanding a "fusion" party for the elements of opposition. So also for a time did Seward, the most influential of all the Northern Whigs. Both realized that three groups must eventually be united, the Free-Soilers, the Northern Whigs, and the Anti-Nebraska Democrats. But the Whigs were by far the most numerous; they were almost unanimously against

³⁵ Fish to S. B. Ruggles, February 18, 1854; Letterbooks.

³⁶ Letterbooks.

the Act; why should the contest for the Northwest not be fought under their banners? To organize a new party would be a huge task. Here was a party of opposition ready at hand. The New York *Times* under Henry J. Raymond and the Albany *Evening Journal* under Thurlow Weed at first shared this view. Fish knew that the outlook was dark, and that Thurlow Weed was correct in writing him: ³⁷ "This Nebraska business will entirely denationize the Whig Party. I cannot see how or where good can come out of it. If Southern Whigs could have been sustained at home in going against it, all would have been well." But he hoped that as Northern settlers obtained control of Kansas the sectional issue would lessen in tension, and the Whig Party would once more become a great force for national cohesion.

In taking this position Fish represented a predominant element among New York City Whigs. Commercial groups, bankers, manufacturers, and a majority of professional men in the metropolis wished above all for continued national peace. Deeply as they disliked slavery, they believed in abolishing it by evolution and not revolution. The *Journal of Commerce*, *Commercial Advertiser*, and *Courier and Enquirer* were all studiously moderate. Having strong commercial and financial links with the South, New York City was far more tolerant of the Southern point of view than up-State New York or New England. But most of all Fish was inspired by his own deepest instincts, which urged him toward peace and conciliation. Reared in cosmopolitan New York, where Dutch, Yankee, British, and Huguenot strains mingled harmoniously; absorbing a broad Episcopalianism which led him to respect other men's opinions; trained to value the golden mean; a self-restrained man of the world—he could not be an extremist and be true to himself. He believed that Northern moderation would create Southern moderation; he feared that the intolerance of a Northern sectional party would strengthen Southern intolerance.

The New York election of 1854 gave Fish some hope. In a confused arena four candidates for governor—a moderate and a cotton Democrat, a Native American, and a Whig—battled without clear issues.³⁸ The prohibition question complicated the contest. On election day the Whig nominee, Myron H. Clark, won the narrowest of victories. His plurality over his chief Democratic opponent was 153 votes. Yet in

³⁷ Weed to Fish, February 19, 1854; Fish Papers. ³⁸ Alexander, *op. cit.*, II, 201 ff.

this result Fish found evidence, as he believed, of one reassuring fact—that the electorate was after all moderate on the slavery question. Clark had been the only distinct anti-Nebraska candidate, and to Fish's mind, the vote showed that New Yorkers were not so fiercely excited over the Kansas-Nebraska outrage as the radicals believed. He wrote a constituent: ³⁹

If, while the Nebraska question was yet blistering, tens of thousands of Whigs voted against a good and pure anti-Nebraska Whig, and for a Nebraska Locofoco, where is the probability of making the free-soil or anti-slavery element the foundation of a successful party? I confess that I see it not. The anti-slavery sentiment is inborn, and almost universal at the North (and even quite extensive at the South), but it is only as a *sentiment* that it generally pervades; it has not and cannot be inspired with the activity that even a very slight interest excites. The slaveholders of the United States are only some 350,000, and yet the activity and community of their interest has enabled them not only to resist the anti-slavery sentiment, but to be successfully aggressive. And now under the most outrageous of the slavery aggressions what do we see? In New York the candidate of the resisters of the Nebraska bill has only one-third of a light vote; in Massachusetts Know-Nothingism has swept away all evidence (I do not say existence) of the anti-slavery party, and discarded almost all its men who voted against the bill in favor of others, untried upon the slavery question, but professing some other principle which has proved of superior power.

IV

But his hopes were quickly dashed; for the next year, 1855, the Republican Party advanced with rapid strides to the destruction of Whiggism. News of violence was beginning to come from Kansas; fresh incidents were proving the Fugitive Slave Act unenforceable; in New York Weed and Seward were gravitating to the new organization. When Northerners read that on March 30 five thousand armed Missourians had swarmed across the line to the Kansas elections and chosen a pro-slavery legislature by gross fraud, their gorge rose. In May vast Boston crowds, aroused by Wendell Phillips and Theodore Parker, swirled angrily about the military forces which delivered the slave Anthony Burns to his master.

Disunion is coming, D. D. Barnard sadly wrote Fish in July.⁴⁰ "The Fugitive Slave law did something, and the Nebraska Bill has done every-

³⁹ Fish to John M. Bradford, December 16, 1854; Letterbooks.

⁴⁰ Barnard to Fish, July, 1855; Fish Papers.

thing, to stir up the anti-slavery sentiment of the North to fever-heat. An honest indignation has been excited, which is felt even among the temperate and judicious. Fanaticism, meanwhile, makes a jubilee of the occasion, and demagogues, great and little, rush in to swell the commotion and make the most of the dreadful mischief. It is Massachusetts now, not South Carolina, which enters on the career of nullification. . . . A Northern party is loudly called for, with no principle to stand on but that of eternal hatred and eternal war against the South on account of slavery. A Presidential election conducted by sectional parties; with nothing but slave issues between them—if such a thing were practicable—would be the last election ever held under the Union.” And with this general statement Fish dejectedly agreed.

That autumn the Republican and Whig conventions of New York State met on the same day in Syracuse.⁴¹ After organizing, the Whigs adjourned in a body to the Republican hall. Amid a roar of cheers, they marched to seats reserved for them. A platform reported by Horace Greeley was adopted, demanding that Congress prohibit slavery in the territories; a list of candidates was drawn up; and by acclamation the delegates voted that it be given to the people as “the Republican ticket.”

Fish’s friend Thurlow Weed had been the principal actor in arranging this momentous union; and within a few weeks Seward, in a speech of which a half-million copies were circulated, assumed the leadership of the new State organization. But Fish watched with grave disquiet. He stated his objections to various friends. To Edward Ketchum he wrote ⁴² that the Whig organization had ever been a national body, and he deplored its obliteration by a sectional party. He also disliked the fanaticism, the intolerance of everything Southern, which stamped prominent men among the Republicans. At a recent meeting one speaker had declared, “You are here to dethrone American slavery,” and had added that the party’s chief object was “laying the foundation of a policy of emancipation that shall give freedom to three and a half million men in America.” Did he know that such talk inflamed the South and placed the Union in peril? To James A. Hamilton he wrote ⁴³ still more emphatically. The Republican State platform “has not an element of

⁴¹ The *N. Y. Tribune* gives a good account; September 26, 27, 1855.

⁴² Fish to Edgar Ketchum, October 17, 1855; Letterbooks. This letter to Ketchum, a really powerful document, runs to more than 2,000 words and shows how deeply Fish was stirred.

⁴³ *Reminiscences of James A. Hamilton*.

nationality"; it is "covered all over with the wildest sectional agitation." His love of peace and the Union would not permit him to accept it.

In the election of 1855 the Know-Nothings ran first with 146,000 votes, the Republicans second with 136,000. Fish felt encouraged to offer new objections to Republicanism: ⁴⁴ "Of what use, in the present state of things, to declare against the admission of any more slave States? The question of Kansas and its admission was the imminent matter; upon that the North was all but unanimous; upon the abstract question of the future admission of other Slave States there is a want of unanimity; . . . many believe that, at least with regard to Texas, good faith . . . *may* require the admission of one or more slave States." And he concluded:

For myself I cannot consent to be made an Abolitionist, or to become an "Agitator" of the slavery question. I cannot close my eyes to the fact which all history shews, that every physical revolution (of governments) is preceded by a moral revolution; that the discussion of questions on which sections are united among themselves but differ the one from the other, leads to estrangement first, and next to hostility and hatred which end inevitably in separation. The separation of this country from Great Britain was not the result of the War of the Revolution, or even of the Declaration of Independence. The discussions and controversies which had preceded the latter event caused and *effected* the separation which was only formally *proclaimed* by the Declaration, and forcibly *maintained* by the war.

He added that it was the duty of every man, North or South, who loved his country, to discourage unnecessary discussion of the slavery question. On occasions when the question must be met, it should be discussed with good temper. "Unfortunately, both North and South, the prevailing sentiment is in each section almost unanimous, although of course on opposite sides. Hence demagogues can in each section appeal to the prevailing local sentiment, and he who makes the loudest demonstrations may hope to secure the temporary and personal advancement which he seeks. . . . A mutual hatred is engendered between the two sections; and how long our institutions can last with *enmity* instead of friendship existing between the geographical divisions of the country (between which unfortunately there is not enough of personal intercourse to remove erroneous impressions) is a question which I think the time has arrived for considering."

⁴⁴ Fish to Weed, November 18, 1855; Letterbooks.

V

That there was great wisdom in this attitude will be now generally admitted more than it was a generation ago. As the Civil War recedes in perspective, the belief grows that the tragic struggle might have been avoided by a saner statesmanship. Many honest leaders shared Fish's opinions. Northern Whigs like Rufus Choate, Robert C. Winthrop, and Edward Everett refused to join the "sectional" Republican Party.⁴⁵ Washington Hunt addressed a public letter to James A. Hamilton⁴⁶ declaring that "I cannot by any effort bring my mind to engage in the work of combining sixteen of the United States into a political party against the other fifteen." And Fish's stand showed not only wisdom and discernment, but also courage. The popular course would have been to follow the cheering Whig masses into the Republican camp. By hanging back, by striving to preserve the Whig Party as a political link between the two sections, he was destroying his political future. But he continued to maintain his position vigorously.

Events, alas, soon made it an untenable position. The "Kansas War" flamed up angrily in the spring of 1856. And on May 22 Preston Brooks made his atrocious assault upon Sumner in the Senate Chamber. Fish utterly condemned this assault, and felt the keenest sympathy for his friend. He called upon Sumner day after day; he made an important public statement to the Senate in his behalf.⁴⁷ Nevertheless, having frequently deplored his arrogance of tone, Fish agreed perfectly with a letter which he received from D. D. Barnard. It was a letter so remarkable, for Barnard was of New England birth and of general Northern views, that it deserves partial quotation. Sumner, before the attack, had flagitiously assailed Brooks's uncle, the aged Senator Butler of South Carolina. Wrote Barnard:⁴⁸

You are having stirring times in Washington. These are days of violence and desperation. The approaching Presidential election seems to have made men mad. The assault on Mr. Sumner was a bold outrage. Yet I cannot say it surprised me. From the moment I read his speech, I looked to see him made the martyr to which it seemed so strong an invitation. I was amazed at the

⁴⁵ Cf. P. R. Frothingham, *Edward Everett*, 329 ff.

⁴⁶ Hunt to Hamilton, July 17, 1856; copy in Fish Papers.

⁴⁷ A Southern Senator had made a speech reflecting upon Sumner's treatment of his physicians; George Sumner, brother of the Senator, asked Fish to correct it. *Congressional Globe*, June 23, 1856.

⁴⁸ Barnard to Fish, May 26, 1856; Fish Papers.

character of that speech, and to *you* I will speak plainly; it was wholly unworthy of a scholar, a gentleman, or a Senator. Mr. Sumner is all of these, and it passes my comprehension how he could have brought himself to concoct and pronounce so vulgar a tirade. There have been personalities before this in the Senate, but they have been uttered in the heat of debate and under immediate provocation. And I venture to say that this is the first time that the Senate has listened to a round of sheer personalities, giving neither force nor point to any argument, which had been deliberately prepared, studied, and conned in the closet. And this is the first time too, so far as I recollect, that a Senator from one State has ventured in set phrases to assail, denounce, and villify, before his fellow Senators and peers, another State of the Union. In truth, I hardly know which was in worse taste, Mr. Sumner's stilted eulogy of Massachusetts, or his sustained denunciation of South Carolina—looking at the thing only as a matter of taste. How *could* a man of his cultivation have committed so egregious a blunder as this whole speech certainly is! The personal regard and respect I have entertained for him make me most deeply regret this exhibition of himself.

Of course, you will not suppose that I justify for a moment the attack upon him. Very far from it. I utterly condemn it. It seems to have been assassin-like. But it seems a proper occasion for some among us to remember, what they must have forgotten, that the bludgeon, the bowie-knife, and the revolver are not the only weapons of violence to be dreaded in a civilized community. The licentious pen and tongue are equally weapons of violence, and capable of giving equally deep and deadly wounds. And so long as there shall be those who esteem character quite as valuable as life, so long will the unbridled use of weapons of violence upon the one be followed by the use of weapons of violence upon the other. Stabbing reputations is quite as brutal a business as breaking heads; at any rate, where the one is considered a legitimate business, the other will follow as a matter of course. The Greeleys of the press ought to know this by this time. If men will insist on the privilege and right of kicking and cuffing character, without restraint, in the face of the public, they have no right to complain if others indulge in the pastime of kicking and cuffing persons.

Other moderate Whigs expressed similar sentiments. George S. Hillard, Sumner's former law-partner, after assuring Fish that "you can imagine what we all feel about this cruel and cowardly attack," added: ⁴⁹ "Would that every member of the Senate, in his discussions, would take counsel of your distinguished colleague [Seward], whose speeches are not more remarkable for ability than for decorum, good temper, good taste." Robert C. Winthrop wrote from Nahant: ⁵⁰ "The assault upon Mr. Sumner, with all its consequences, and I may add with

⁴⁹ Hillard to Fish, May 28, 1856; Fish Papers.

⁵⁰ Winthrop to Fish, July 22, 1856; Fish Papers.

all its *antecedents*, was too painful for anyone to speak of who had the privilege of being silent. I wish the House could have expelled Mr. Brooks, and I trust the Senate will never allow such a speech as Mr. Sumner's to be delivered again."

Fish himself repeatedly expressed impatience over the intemperate language of many New Englanders. For example, he sent a half-humorous letter to the New York historian, J. R. Brodhead, apropos of a resolution of his dealing with improvements to navigation: ⁵¹

The telegraph has done me foul injustice. I was guilty of no such absurd, puritanical squeamishness as to write or say "Hurl gate." I used the proper name in plain Saxon and wrote "Hellgate" in my resolution, and when the Clerk, reading it from the desk, hesitated . . . I corrected him and called out loud "*Hellgate!*" . . .

My very worthy friend Senator Foster of Connecticut rallied me a little privately about my open-mouthed profanity of speech. I justified my reference to what I insisted was the origin and cause of the name, viz: The very proper appreciation by our honest Dutch ancestors of the devilish character of the country and the people to whom that narrow pass was to them the channel of approach. I am not quite prepared to stake my historical reputation or credit upon this theory of the origin of the word. Only if it be not correct, it might have been (*entre nous*), for there have been more "isms," schisms, and heresies, moral, religious, and political, imported into the New Netherlands from that nursery of vagaries and fanaticism than sufficient to sink a navy.

There is much to admire, to love, and to respect in the New England character, but I hate their "remote philanthropy," their "Boorlah-boolah-gah" enterprises; their frequent fanaticism and pharisaical assumptions, and that absence of the organ of veneration which is eternally unsettling all things whether in religion, in politics, or in morals.

VI

But the end was now near.

A dozen Whig Senators and Representatives held a secret and gloomy night meeting at Fish's house early in February, 1856, to decide whether a Whig national convention could be called that year. He listened in discouragement as Fessenden of Maine, Pearce of Maryland, Ewing of Ohio, and others reported a general disintegration.⁵² In northern New England the bulk of the party had gone over to Republicanism. In Connecticut and New York many conservative Whigs were hostile to fusion,

⁵¹ Fish to Brodhead, May 15, 1856; Letterbooks.

⁵² Fish gave a full report of the meeting in a despondent letter to ex-Governor Washington Hunt, February 13, 1856; Letterbooks.

but were not sufficiently numerous to elect a ticket. In Maryland the Native American Party had absorbed most Whigs. In Tennessee, as in most of the South, a majority of Whigs had assumed the name of "Americans." In Ohio, the Republicans had swallowed up most of the party. Everyone present declared a Whig Convention impracticable; few States would send delegates, the Northern and Southern members would quarrel over slavery, and it would simply prove the national organization dead. It would not only bring ridicule upon those engaged in it, but furnish an unworthy ending for a great party with a gallant history.

As the campaign of 1856 opened Fish was in the deepest perplexity as to his course. On February 22 the Native American Convention nominated Millard Fillmore for President. Washington Hunt, D. D. Barnard, and James A. Hamilton wished to endorse Fillmore,⁵³ but Fish could not agree. He thought Fillmore unworthy of a second term.⁵⁴ "He is a very bad judge of men; he has strong personal preferences, and still stronger antipathies, of which designing men with selfish and sinister purposes can and do easily avail themselves. . . ." His Administration had shown vindictiveness, while Fish thought it more corrupt than any in our history. But above all, the religious bigotry and racial exclusiveness of the Native American Party was utterly repugnant to Fish.⁵⁵

In the end he decided that for the time at least he must join the Republican Party. A final meeting of Whig members of Congress to discuss the question of a convention brought out just three men! No patriotic citizen could stand inactive. The aggressions of slavery, Fish wrote, with "outrage and brute force here, violence, usurpation, and invasion in Kansas, the complications (wanton and unnecessary) of our foreign relations, all tend to fearful results and devolve important responsibilities." He determined to enlist under the Republican banner and do what he could to moderate the position of the new party. This decision was privately announced to James A. Hamilton on June 13,

⁵³ Hamilton wrote Fish on March 7 that if the Whigs rallied behind Fillmore, "we will awaken in the great body of the considerate men of this country a course of reflection and of action which will be of great utility, and may, in the disorganized condition of parties, produce decisive results." *Reminiscences of James A. Hamilton*, 410, 411.

⁵⁴ *Ibid.*, 408-410.

⁵⁵ Fish wrote Barnard on March 8, 1856, that he saw it positively asserted at Know-Nothing meetings that Fillmore was a third-degree member of the Native American secret society, men even stating the number of the council which enrolled him. "If this be true . . . I have no hesitation in saying that he ought to be opposed, even if such opposition means the election of a Democrat." Letterbooks.

1856, four days before the Republican Convention met at Philadelphia.⁵⁶ Let us, he wrote, pronounce for "temporary coöperation" with the new party. "The call for the convention in Philadelphia next week is broad and catholic. . . . If then the convention avoid sectionalism and agitation as indicated either in the persons of their candidates or in their declarations, why may we not temporarily act with them?" He was inclined to attend the convention, and help choose "a conservative candidate" like ex-Congressman William H. Bissell of Illinois or Justice John McLean of the Supreme Court.

Fish was prevented by illness from going to Philadelphia, but he found the Republican nominee, John C. Frémont, an acceptable choice, while the platform was more conservative than he had expected. For a few weeks he still declined to take a public stand. To a Republican he wrote on June 28: ⁵⁷ "I sympathize with you and other Northern men in your indignation at the aggressions and assumptions of the slave-interest; my heart is wholly Northern on that question. But at the same time I think great wrongs have proceeded from the North in the useless, senseless, perpetual agitation of the slavery question; with that I have no sympathy. Nor do I join in the general and indiscriminate denunciation of the institution of slavery, and still less of those who tolerate it. We formed one Federal compact with slaveholders, and it has inured to the benefit of both sections. While I sincerely wish there was not a slave on the face of the earth, I will not quarrel with those who find it an existing institution, which the wisdom of man has not yet been able to shew the means of getting rid of." But in the middle of September, in an open letter to James A. Hamilton, he finally came out for the new party. He declared that Buchanan and the Democrats stood for slavery extension, filibustering, and the immoral greed of the Ostend Manifesto; that the Republicans had an admirable candidate, and disavowed any wish whatever to interfere with slavery in States where it already existed. Fish continued: ⁵⁸

There are two paramount issues involved in the pending contest: I.—The Slavery Question—not as an abstract question; but as a question of right and of political power. "Shall slavery be carried into territory formerly covered by the Missouri Compromise?" And II.—The Foreign Policy of the Government. "Shall peace and justice, or violence and outrage, be its policy?" The

⁵⁶ Letterbooks.

⁵⁷ Fish to H. H. Elliott; Letterbooks.

⁵⁸ Letterbooks; see also newspapers of the day.

latter issue must not be forgotten or overlooked. . . .

We find [in the Republican platform] no assault upon a single Whig principle—no danger of an unsafe and belligerent foreign policy—no extreme or violent proposition in regard to slavery where it now exists, but only that resistance to its advance and spread over soil long since made free which we have ever advocated. . . . Though still a Whig, I shall cast my vote for Frémont and Dayton, esteeming such course the best and surest remedy for present evils, and trusting that the time is not far distant when political organizations will again assume broader and more catholic grounds.

This announcement delighted the Republican leaders. Francis P. Blair wrote Frémont that it would give him ten thousand votes. John Bigelow congratulated Fish in glowing terms. Montgomery Blair informed him ⁵⁹ that "I regard it as the ablest political paper of the times." Thurlow Weed wrote from Albany that "it will prove more effective than anything we have had. It will set back the current which has been running among Whigs toward Fillmore." And a similar letter came to Mrs. Fish from Sumner in Philadelphia, still prostrated by Brooks' attack: ⁶⁰

I am so happy in your husband's truly able and effective letter that I cannot forbear writing to say it. That letter is a document that must have a great effect. I have rarely read anything that seemed more firm and at the same time guarded.

All things foretell the result. I do not doubt that Frémont will be elected. Meanwhile I am still detained in seclusion. My physician is unwilling that I should leave here, though I am confident that I shall be shortly *almost as well as ever*. Indeed I have never had the look of health which I now have, owing to the life in the open air which I have latterly led. But it is hard—very hard—to be thus shut out not only from the duties of life, but also from the world and its society.

It was only yesterday that Dr. Wistar revealed to me the solicitude my case had given him. For some time, it seems, he was in great doubt as to the condition of my brain—whether it was laboring under organic or only functional derangement. Had it been the former death would have been my prayer. At present, however, all this is passed, and I have now nothing but a lack of strength, and a morbid sensibility of the nervous system which requires the greatest caution in all exertion, physical or mental.

And while thus suffering for more than four months, I have been charged with the ignoble deed of shamming illness! It seems to me, if anything could add to the character of the original act, it is this supplementary assault on my

⁵⁹ Blair to Fish, September 28, 1856; Fish Papers.

⁶⁰ Sumner to Mrs. Fish, September 27, 1856; Fish Papers.

character. Pardon this allusion. It is the first time I have expressed it to a human being, although it has often risen to my mind.

Remember me kindly to your husband and family. . . .

VII

Although Buchanan and the Democratic Party carried the country that autumn, the Republicans felt little discouragement. In the North they had swept State after State—New York, where they made John A. King governor, Michigan, Wisconsin, and all of New England. They came within a thousand votes of carrying Pennsylvania. The Whig Party was now dead beyond resurrection; the Native American Party, carrying Maryland alone, collapsed in ruin. Henceforth voters were either Republicans or Democrats.⁶¹

Leadership in the new party went, quite properly, to the men who had daringly pressed to the front; Fish had hung back, and he was thrust to one side. And in any event, his views were repugnant to most Republican leaders. He still urged moderation, arguing that the time was particularly propitious for it. The Know-Nothings had polled a huge vote—1,300,000; a majority of them in the free States were undoubtedly opposed to slavery, and had withheld their ballots from Frémont only through fear of the consequences of his success. In the next four years they must be absorbed by either the Democrats or Republicans. Why not make sure of their accession, and at the same time perform a great service for national harmony, by giving the Republican Party a distinctly moderate cast? He wrote James A. Hamilton on December 1: ⁶²

We do not wish to interfere with the domestic institutions of any State. Let us say so. We recognize within the jurisdiction of the laws of the respective States, the rights of property in everything that those laws declare to be property; let us say so. We do not wish to interfere with the migration of Slaves between the States which recognize Slavery. Why not say so? We do not hold to the exclusion from the Union, of all future Slave States (those guaranteed in the Texas annexation for instance). Why not say so? Whatever we may think

⁶¹ Fish wrote Sidney Lawrence, November 22, 1856, that he had never believed Frémont would win. "I supported him on principle. I feared Buchanan's foreign policy, and fear too that he will fall under the influence and control of extreme pro-slavery men. As you know, I have no sympathy with the Abolition Party, or with *any* anti-slavery agitation; but believing slavery to be a wrong and an evil, I do not wish its extension, and in a political view I do not wish to see any increase of the slave power in the government. I shall abide by the compromises of the Constitution willingly, but I regard Buchanan's election as an unnatural and unnecessary augmentation of the Slavery Extension influence." Letterbooks.

⁶² *Ibid.*

of the details of the present Fugitive Slave Laws, we admit the right of reclamation, and the Constitutional duty of surrendering fugitives from service. Then why not say so? We do not desire agitation on the Slavery question, but on the contrary wish to have it removed from political agitation. Let us not hesitate to say so. . . .

The occasion is a grand and an enviable one—to restore peace and harmony and quiet to the country—to assert and to establish right—to indicate a sound policy—and to lay broad and deep the foundation of a great national party of freedom, and to arrest and crush out the sectional tendencies of the slave power.

But the dominant feeling among Republicans was hostile to such advice. As debate was resumed in the Senate the month after election, Fish was pained to hear Democrats charging their opponents with extreme objects, even Abolitionist in character, and the Republicans declining to deny them. In a long speech on December 11 Lewis Cass challenged any Republican to disclaim a desire to abolish slavery in the Federal District, to repeal the Fugitive Slave Act, to stop the interstate slave trade, or to refuse admission to more slave States. He paused for an answer. Henry Wilson of Massachusetts cautioned those around him, "Make no disclaimers!" Another Republican, as Cass enumerated his list, said *sotto voce*, "I rather think we will do just that, as soon as we can." None of this went into the *Congressional Globe*—but Fish heard it.

Fish had decided not to ask another term. Many in New York had applauded his course. "If he has not run a very brilliant career in the Senate," remarked the Albany *Evening Statesman*,⁶³ "Mr. Fish has . . . probably accomplished far more real good for his constituents than his more prominent colleague." But had he sought a renomination he would have been rebuffed by party leaders anxious to pay their debts. The Republicans had purchased the coöperation of the Free Soil Democrats the previous autumn by a promise to name the former Democratic leader Preston King for Senator. When the legislature met this bargain was carried out, and King was sent to Washington to occupy Fish's seat. Though as little of an orator as Fish, he was a man of probity and ability, who lent strength to the Republican Party in the upper chamber. But the sacrifice of Fish reminded men that one of Seward's fixed policies was to allow no figure but his own to loom large upon the political horizon. His ambition to gain the White House must never be

⁶³ January 31, 1857.

endangered by any other New Yorker.⁶⁴

It was unfortunate that Fish could not have used his six years' experience in another Senatorial term, 1857-1863. But he retired from office without regrets. In Republican councils he naturally possessed little influence. His career seemed ended. But he had been true to his profound instinct for caution, tolerance, and peace; he had done everything in his power to lessen sectional animosity, and to avert the calamity of a brothers' war. He felt that he had fulfilled his duty.

⁶⁴ Alexander, *op. cit.*, II, 243.

SHORTLY before noon on a hot July day in 1857 passengers crowded the wharf at the foot of Beach Street, New York, as the steamer *Arago* of the French Line prepared to sail for Havre. Porters were struggling aboard with trunks, stewards bustling about, visitors saying goodbye, hawkers selling conveniences. Amid the throng suddenly appeared the tall figure of ex-Senator Fish, escorting his wife, his four elder daughters, and his three sons—a group ranging in years from nineteen to six. A nursemaid carried the baby, Edith, now fifteen months old. Numerous friends had come to take leave of the “Governor,” and Fish was cordially greeted by Captain Lyons of the *Arago*. At noon precisely, the sun blazing down on banks of waving handkerchiefs and parasols on decks and wharf, the ship moved into the channel. At two o’clock, with a squall coming up, it was outside Sandy Hook.¹ Fish was off for at least a year of European travel.

He had taken leave of politics with relief. An autobiographical fragment tells us ² that he had left the Senate “with the full determination that I would not again enter into public or active political life.” For fifteen years he had been almost continuously in office. “If public offices are to be regarded as honors, I felt that more than any merit of mine could claim had been most generously bestowed; and if they are to be regarded as duties and as service, that having given so long a period of the best and most active years of my life I had served out my time, and was entitled to a discharge.” In letters to friends he confessed some resentment that Seward, Thurlow Weed, and other leaders had shelved him because of a mere political bargain. One of these letters shortly came to Weed’s notice, and he wrote to Fish protesting that he had always wished him kept in the Senate, and had taken no part in the manoeuvres that defeated him. But Fish realized that he was as ill-fitted for practical politics as he was well-equipped for administration or diplomacy.

He was specially ill-attuned to the political world of the latter fifties. As late as 1853 the pacific spirits of Clay and Webster had still ruled

¹ Fish’s travel-journal, July 25, 1857; the voyage lasted from noon that day until Thursday, August 6, when they reached Havre at night.

² Undated; Fish Papers.

the nation from their urns; the Union remained all-important to nine-tenths of Americans, both North and South. But with Douglas's heedless stroke in 1854, the political atmosphere of the country changed. Through the sultry air the rumble of the coming storm was more and more clearly heard; men's nerves tingled with its electricity. The politicians who now rose to power were those of aggressive temper and of readiness to appeal to mob-passions—men like Jefferson Davis in the South, Chase and Sumner in the North. Fish was not one of them. A psychoanalyst probing his character might make much of the fact that in 1812, when he was four, his father had presided over a great peace-meeting of New York Federalists, and that for three years thereafter the boy's home had been filled with men who passionately denounced our ill-starred second war with England.

Had any place existed for a party of moderation, Fish would have done wrong to leave the United States just four months after the Dred Scott decision had further enraged the North. Many hoped that such a party, led by Crittenden and Bell in the South, Winthrop, Everett, and Fish in the North, would yet emerge. In different circumstances it might have filled a great place in our history. It is a striking fact that in 1860 the hastily-improvised Constitutional Union Party under Bell and Everett polled 590,000 votes, nearly half as many as Douglas, and almost one-third as many as Lincoln. But the hope was slain by Buchanan's double folly and by inimical circumstances. The President's attempt to force the pro-slavery Lecompton Constitution upon hostile Kansas kept Northern feeling exacerbated and steadily strengthened the Republicans; his mean-spirited hostility to Douglas destroyed all chance of Democratic unity under a moderate leadership. Meanwhile, as if dictated by a malign fate, one fell event succeeded another, from the Dred Scott decision to John Brown's raid. There was no room for a moderate party, or a moderator; for Fish the times were out of joint, and he lost nothing by going abroad.

This trip was a revealing comment upon his character. He had always been a student, with a passion for acquiring knowledge.³ He meant to be a broadly-moulded man of the world, who understood something of letters, art, and international relations in Europe, and was acquainted with great figures outside the United States. As a cosmopolitan outlook

³ Careful account-books, kept with his papers, show steady and large expenditures for books and reviews.

was part of New York's best social tradition, so also was an interest in the elegant side of life. In his Stuyvesant Square house he had collected not merely a large library, but paintings by the Hudson River school, and sculptures by E. D. Palmer and others; he and his wife wished to see the artistic treasures of Europe. Fish always leaned to severity in matters of taste, as of morals; at last he had an opportunity to refresh his sense of standards. Service on the Foreign Relations Committee had greatly stimulated his interest in the politics of the Old World, and he took letters of introduction to various statesmen. Altogether, he regarded the tour not merely as recreation, but as the long-deferred completion of his education.

This it proved in as full a measure as he had anticipated. For nearly two years (he reached Paris August 7, 1857, and left England in June, 1859) he was busy adding to his knowledge of European culture, of international relations, and of men. He found Europe full of Americans. In Paris he fraternized again with Senator Sumner, travelling for his health. Fish's journal (he characteristically began one the day he sailed) ⁴ mentions Judge Aaron Vanderpoel of New York; Commodore Charles Stewart, who had commanded the *Constitution* in the War of 1812, and whose daughter became the mother of Charles Stewart Parnell; ex-Governor Peter D. Vroom of New Jersey; William Cullen Bryant; the banker George Foster Peabody; Henry J. Raymond, editor of the *New York Times*; and many more. Having placed two of his daughters in school in Paris, and bought a heavy travelling carriage, he and the remainder of the family set out for Dijon, Geneva, and Rome. At Geneva he also hired a barouche. With these two vehicles, a courier, a nurse for the baby, and a maid, the family travelled in state.⁵ After touring southern France, Switzerland, and Italy, in the spring of 1858 they went to England, and that fall to Germany.

His methodical diary, though less subjective than we could wish, is an accurate expression of his tastes. Keenly appreciative of natural

⁴ Besides his journals, a diary kept by Mrs. Fish, showing an especially keen interest in art and architecture, is in the Fish Papers.

⁵ Equipment of ample scale was necessary for a carriage-tour of Europe—see Ruskin's *Praeterita*, Ch. VI; every European post-house then kept four-horse teams. But the rather grand style in which ex-Senator Fish and his large family did much of their sightseeing impressed both Europeans and Americans. I have found legends of it and of some of its incidents (for example, a love-affair between the courier and maid which scandalized Mrs. Fish) still afloat among old New York families. The state in which they travelled ensured many attentions from European dignitaries.

beauty, he was more interested in it than in churches, museums, and historical monuments. He speaks in glowing terms of the enchanting view of the spires of Geneva as they approached through Haute Savoie; of the splendor of Lake Geneva in a storm, the whitecaps contrasting with the deep cobalt water; of the grandeur of the Via Mala in the Alps, where they came suddenly upon old King Leopold I of Belgium, uncle of Queen Victoria, with his family and attendants in four carriages; of the hill towns of Italy, and the bay of Naples. But most of all he was interested in the people. Throughout Europe he filled his diary with notes upon their culture, morals, manners, and material condition. At Lucerne the lion of Thorwaldsen did not impress him half as much as the fact that a survivor of the Swiss Guard which defended the Tuileries on August 10, 1792, was there to narrate the events which the monument commemorates. He had a long chat with the man. On the Continent he was horrified by the low valuation placed upon human effort. He wrote in Switzerland:

Today, as on the two preceding days, our trunk, weight about —— pounds (more than a hundredweight, but I leave the blank intending to have it weighed), is carried by a man who thought that the suggestion that it should be put on a horse was unkind. It would deprive him of the job, viz., to carry this weight on foot from 20 to 25 miles a day for six francs. He acts as telegraph; proceeding so rapidly as to anticipate travellers and arrange rooms for us, he arrives an hour or two before us.

Two striking characteristics of this first diary are the warm family affection and deep religious feeling which pervade it. Fish placed his sons Nicholas and Hamilton, one eleven, one eight, in a Swiss school. "God grant," he wrote, "that I have decided and acted for the best advantage of my dear boys. God bless, protect, and preserve them. May they ever look to Him for aid and support. He will not fail them." Ten days later the sons visited their parents in Geneva. "I endeavor," he writes, "to make the day as pleasant as possible for them and they seem to enjoy it. In the evening take them back to school and take leave of them. 'Tis hard to say farewell to my dear children for so long a period, and to leave them with strangers. . . . I carry to bed a heavy heart. God bless my dear children, one and all. I trust that I may, without any preference, indulge at this moment an especial prayer for those from whom I am separated; may our Heavenly Father have them in His pro-

tection." Whenever the family spent Sunday in a Catholic town, they scrupulously recited the Episcopal service in their rooms. One of his historical notes reads:

After dinner drove in two barouches with all the children to Ferney, the residence of Voltaire, a short distance beyond the line dividing France and Switzerland; a beautiful drive and a fine view. Saw a church with the inscription, "Deo erexit Voltaire MDCCLXI." The old rogue! He who devoted the great ability which God had given him to deny the existence of and ridicule that very God, to erect a church and memorialize his doing so by such an inscription!

Staying in Rome for a time, Fish not only practiced Italian but took German lessons. He mingled in the Anglo-American society of the city, seeing much of the sculptor Crawford, William Wetmore Story, William B. Astor, and the parents of Brander Matthews,⁶ and meeting the historian Freeman.

But the pleasantest part of Fish's sojourn abroad was passed in England. He was shown many courtesies in London by the American Minister, George Mifflin Dallas, and the historian Jared Sparks. He was entertained by Sir Henry Holland; by the Speaker, the Rt. Hon. William Denison; by the Duke of Argyll and Duchess of Sutherland; and by Lord Clarendon, then Foreign Minister in the Palmerston Cabinet. Both in New York and Washington he had entertained Thackeray, and his hospitality was now returned:

Monday, June 7, 1858.—Dined at Thackeray's, 36 Onslow Square. A very pleasant dinner at which I met Mr. Moffatt, M.P., whom I had seen in Washington, and his wife, Harrison Ainsworth the novelist, Mr. and Mrs. Sartoris (sister of Fanny Kemble), Mr. and Mrs. Wilson, and Mr. Elliott, a gentlemanly young man who tells me he expects to visit the United States this year. After dinner, as seems to be usual here, there was a gathering for a "tea drink." Among the company were two daughters of Dickens, whose card to the public on the occasion of his separation from his wife appeared in this morning's *Post*.

Fish heard a public reading by Dickens, and visited the House of Commons:

A discussion was pending on some Irish educational question. Subsequently a motion came up to censure the government for an appointment of Mr. Cecil

⁶ Brander Matthews, *These Many Years*, 41.

Moore in Tyrone on account of his being a member of an Orange Lodge. The debate was introduced by Mr. Fitzgerald, late Attorney-General of Ireland, who was answered in a very powerful speech, full of point, of sarcasm, of irony, of denunciation, and of humor by Mr. Whiteside, the present Attorney-General of Ireland. His reply appeared a full vindication of his action. Lord Palmerston and Lord John Russell, Mr. Roebuck, and Disraeli also spoke.

The House was exceedingly noisy. The cheers and expressions of approval and of derision by the House as several members were speaking were very violent and obstreperous. The scene was not calculated to impress me with any superior dignity or order in the proceedings of the House of Common over our House of Representatives. It was much like one of the night sessions with us toward the adjournment of Congress.

Sir Henry Holland advised Fish upon a route of travel through Great Britain. At Oxford he dined with several university officers; he made a pilgrimage to Stratford, for he always loved Shakespeare; he saw Warwick, Blenheim, the iron mills at Sheffield, and the lake country; and in Scotland he followed the beaten road through Abbotsford, Edinburgh, Loch Lomond, and the Burns district. His Prussian and Austrian travels followed upon his English tour. In Berlin he saw a good deal of Humboldt, while in Heidelberg he was entertained by Baron Bunsen; and before he left Germany he was fairly proficient in the language. Among the friends he made was Baron Gerolt, destined to be the North German representative in Washington when Fish was Secretary of State, who introduced him to various officials in Prussia.

Lingering abroad to continue his children's education, he spent most of the winter of 1858-59 in Paris, and became acquainted with Ferdinand de Lesseps. For a time he was again in London, where he met John Lothrop Motley. Hiram Powers executed for him that winter a beautiful statue of a "Fisher Boy." Early in June the two sons returned from their Geneva school, and he was free to catch the homeward steamer from England.

He had learned much abroad. He had improved his knowledge of French, Italian, and German, and obtained illuminating first-hand impressions of European society and politics. His letters of these two years show that he took a shrewd interest in international affairs: in the liquidation of the Crimean War, the movements for unification in Italy and Germany, and the prospects of democracy in England and France. He had developed a warmer affection for the French and a deeper respect for the British. In Lord Clarendon he had become acquainted with one

English leader with whom his official relations were later to be close. The whole experience extended the training he had received as a member of the Senate Committee on Foreign Relations; and thenceforward he was keenly alert to European affairs and their possible influence on the United States.

I

Throughout his European stay Fish heard frequently of politics in America, a landscape darkening under the oncoming storm. Besides the weekly *Tribune* and *Evening Post*, he received regular letters from D. D. Barnard in Albany, Washington Hunt in Lockport, and Robert C. Winthrop in Boston, observers whose opinions chimed with his own. All three were disgusted by the conduct of Buchanan. Barnard wrote in the first days of 1858: ⁷

It has turned out as you seem to have anticipated. Mr. Buchanan has lent himself to the getting up of a new issue to keep alive Northern agitation just as it was ready to die out from inanition. No public man in this country has ever put himself upon so absurd and indefensible a position, even under Southern dictation, as he has assumed in regard to the Lecompton Constitution. Even if both houses of Congress should carry him through, the country will not sustain him. Douglas will beat him in this field if not in the other. At present, there is much backing and filling among the Democracy of the North, because much good Federal patronage is yet trembling in the balance held in the President's hands. But the popular and public sentiment of the North will be found irresistible on this subject. For the time being it revives the sectional party of the North, though I incline to believe that as an issue it will die out before any important election comes round . . . I hold one thing to be certain, and that is, that the President has not power enough, with the whole South, the patronage of his office, and the army to back him, to force the Lecompton Constitution upon the people of Kansas. He will find this out in time. . . .

As the political situation grew more chaotic, Republicans boasted that their party would be the only one to take the field against the Democrats in 1860. Some of Fish's correspondents doubted this. Barnard held that Republicanism fed upon the excitement of the slavery agitation, was kept vigorous only by high stimulants, and would inevitably decline—unless Buchanan and the South kept on inventing new outrages. Unfortunately, they did precisely this. In a subsequent letter that spring ⁸

⁷ January 21, 1858; Fish Papers.

⁸ May 25, 1858; Fish Papers.

Barnard indignantly chronicled the latest exploit of the slavery men, the submission of the Leecompton Constitution of Kansas. "The Republican Party," he wrote, "is of course the strongest existing organization; then comes the American Party, and then the Douglas Democrats. . . . Weed has got back into the *Journal*, and while he is infusing into it new vigor, he is also pouring out his venom and bitterness, so long pent up, through its columns. He sees now the certain triumph of the Republican Party proper, and to all propositions or movements tending to disturb its separate and distinctive organization he answers with scorn. The tone of his language is, 'The doors are open, enter who will, but come in modestly, take the lowest seats, and keep silence'; while to all old Whigs he is as savage as a meat-axe."

Equally pungent comments came from William Pitt Fessenden of Maine. As a firm Republican, he took hope from Douglas' quarrel with the Southern extremists. In his opinion, the Administration would knife the Illinois Senator.⁹ "Douglas is believed to be used up, both as to public and private fortune. Rumor has it also that his habits are bad and his health broken. I have no regrets to waste upon him. He is a low, vulgar, demagogue, and even John Slidell would be more satisfactory to me as President. . . ." He agreed with Barnard that in view of the Democratic feuds, the opposition could win in 1860 if it would only unite:

So far as we can now judge, all will depend upon the man. A Southern candidate is out of the question. All the talk of Crittenden, Bell, and the like is mere bosh. . . . The result in New York, on a rejection of entangling alliances, has rendered Mr. Seward and his friends bold and confident, though Weed affects to discourage all mention of names, while Webb takes the nomination of Seward as a fixed fact. The weight of opinion among intelligent politicians is that though such a nomination is not improbable, our defeat under it would be certain. Chase, in my judgment, has not the ghost of a chance. . . .

The Boston *Courier* . . . says that if Hamilton Fish can be substituted for William H. Seward, it will enlist with the Black Republicans. [Senator] Foote and I . . . have concluded that we cannot do better, and are ready to "pitch in," preferring Fish to any man who has been named. Such a result is quite as probable as any other, and so I advise you to keep out of the country until next fall, and then return fully prepared to endure the worst that your friends can inflict upon you.

As the discussion of a "union of opposition elements" against the Democrats continued, the mention of Fish became more frequent.

⁹ Fessenden to Fish, December 18, 1858; Fish Papers.

Barnard wrote in January, 1859, that the Seward-Weed machine would make every effort to carry Seward's nomination. But Greeley was hinting that Seward would antagonize too many voters; the *Tribune* had expressed willingness to take Winfield Scott, or Bell, or Henry Winter Davis—but not Seward. In Barnard's opinion, Seward "would be beaten out of sight in his own State":¹⁰

I dare say your own name has not occurred to you in this connection, unless when suggested by others. But it has often occurred to me, and oftener of late than ever before. The Boston *Courier* named you not long since, as you may know—and this paper, by the way, it is said has now the ablest corps of editors and writers of any in New England. Your position is somewhat peculiar. You gave the Republican nominee your public support at the last election, but without identifying yourself with that party. I know of nobody to whom they could make so little objection; and if they would propose you, not as belonging to their organization, but as an outsider, I think the rest of us outsiders, pretty generally, would be ready to strike hands with them.

Fish paid no attention to such suggestions. He knew that his adherence to the party had been too late and too reluctant to satisfy its more radical members. He knew also that Seward and other Republican leaders regarded him with jealous hostility. He was still content to be a mere spectator *ab extra*.¹¹ But while chilly toward the extreme Republicans, he shared their contempt for Buchanan. To Hiram Powers he wrote bitterly of the Administration.¹² "It is hard to say whether they are trifling more with the interests of the country in their internal or their foreign policy; they are making deep and grievous wounds in both." And he emitted a snort of disgust when he heard that Buchanan had countenanced one of the most lurid examples of the *crime passionnel* in our history. Fish had long known by reputation Daniel E. Sickles, a Tammany Democrat. He was able, reckless, and unprincipled. A Representative in Congress, he was informed early in 1859 that his wife had been unduly intimate with Philip Barton Key, son of the author of the "Star Spangled Banner." Waiting for Key one Sunday morning in Lafayette

¹⁰ Barnard to Fish, January 22, 1859; Fish Papers.

¹¹ Fish was much hurt by an indirect attack made upon his pardoning record by Governor Edwin D. Morgan of New York, and took pains to answer it. "I cannot ignore," he wrote Barnard, "the insidious plottings of some of our politicians or the various modes to which they resort in order to injure the reputation of those who may have fallen under their displeasure." Fish to Barnard, March 24, 1859; Fish Papers. Throughout life Fish was highly sensitive to criticism.

¹² Fish to Powers, January 26, 1859; Fish Papers.

Square, he deliberately shot the man down. After a trial of twenty days he was acquitted. Fish wrote to Barnard: ¹³

We have just received the account of the Sickles murder. The provocation was extreme, if the statements be true; but the assault was too deliberate and cowardly to be vindicated even by a provocation that might otherwise excuse the extremest act. Can it be that the President of the United States not only dined with Sickles and his wife and Bennett's wife, but that he also visited the murderer in his prison? Oh, how are we fallen!

II

On his arrival home in July, 1859, Fish found the United States enjoying its last calm summer for many a year. Even Kansas was quiet and framing a free-soil Constitution that would eventually bring her into the Union. Yet an uneasy stir was in the air. Rhett of South Carolina used Independence Day to preach rank secession; Jefferson Davis told a Democratic convention in Mississippi that if a Republican were elected President on the basis of Seward's "irrepressible conflict" speech, "then let the Union be dissolved." South and west a new secret association was springing up, the Knights of the Golden Circle, whose cardinal object was to extend the domain of slavery by conquests in Latin-America. In the fall elections of 1859 the radical Republicans were greatly heartened by victories in Iowa, Minnesota, Pennsylvania, New Jersey and Massachusetts.

Just after the October elections, a cry of horror was heard in the land. John Brown of Ossawatimie had invaded Virginia with twenty-two men, seized the Federal arsenal at Harper's Ferry, and attempted to free the slaves. In rapid succession followed his capture, trial, condemnation, and execution. A wave of sympathy for the "martyr" swept over radical anti-slavery groups. But Fish was among the moderate majority who denounced without reservation John Brown's outrage upon law and order. From Henry A. Wise, who had talked with his kinsman Governor Wise of Virginia, he had an interesting letter while Brown lay in prison: ¹⁴

The Governor still speaks in terms of admiration of old Brown's courage and truth. During the last interview, day before yesterday, old Brown thanked the Governor, in an outspoken, manly way, for the humanity and fairness with which he had been treated personally, and also for the dignified and

¹³ Fish to Barnard, March 17, 1859; Fish Papers.

¹⁴ Wise to Fish, November 24, 1859; Fish Papers.

straightforward manner in which his trial had been conducted. In an interview a few days ago, Wise told me he said to him, "Mr. Brown, I am sorry to say, you have forfeited my respect, by having stated to the Judge, before the sentence of death was passed upon you, that you were actuated by different motives than those you had before expressed to me"; and then Wise reported to him what he had said and asked if he had misstated the conversation. The old man replied, "Sir, you have stated not only my words, but my ideas in a more precise and clear manner than I could again myself, and if there be any discrepancy in my remarks to the Court, I did not mean it, but the truth was, I did not expect to be sentenced on that day and my mind was somewhat confused." He then desired to put in writing precisely what his views and objects were in inciting an insurrection, and which will be done.^{14a}

The Governor told me further, that twice in his presence, General Scott of his staff pointedly asked Brown whether he had not first assassinated the five men in Kansas, before his own son had been killed by the Pro-Slavery party; and both times Brown declined to reply, giving as an excuse that he wanted more time, so that he might give a full history of the transaction; but leaving a conviction on Wise's mind that the act had been perpetrated as stated by the editor of the *Kansas Herald of Freedom*. The Governor told me that Cook and Stevens are miserable scoundrels and had it not been for their humane old leader, they would have massacred all the people at the Ferry and escaped after setting fire to the town.

And hard on the heels of John Brown's execution, Congress convened in the new marble wings of the Capitol. Harper's Ferry was the passionate theme of the first important debates. A fierce contest over the Speakership, ending in the election of the first Republican to hold that office, added to the sectional animosity. Fish read with pain of the taunts and insults which armed members were exchanging. Robert Toombs declared that the South would never permit the Federal Government "to pass into the traitorous hands of the Black Republican Party." Farnsworth of Illinois said that he prayed God he might "see the day when the foot of a slave will not rest on this continent." Jefferson Davis was soon bringing forward his proposed code to protect slavery in the territories. After years of recuperation, Sumner returned at last to his Senate seat. But he was a changed man. "What do you think of Sumner?" William Pitt Fessenden wrote Fish.¹⁵ "He calls himself well, and he may be so,

^{14a} Brown, asked if there were any reason why sentence should not be passed upon him, had said: "I never did intend murder or treason or the destruction of property, or to excite or incite slaves to rebellion, or to make insurrection." But the above letter indicates that this disclaimer had no value. Lincoln said flatly in his Cooper Union speech that John Brown's stroke "was an attempt by white men to get up a revolt among slaves"—which accurately sums up the motive.

¹⁵ Fessenden to Fish, December 17, 1859; Fish Papers.

but there is a change in him which strikes me unpleasantly, but which is more easily felt than described. There is a lack of his old alertness, which perhaps may be accounted for on other grounds than bodily infirmity." Fish had perceived it himself.

As 1860 opened the news of sectional friction increased. "Mr. Seward appeared in the Senate yesterday," Fessenden wrote Fish on January 10¹⁶ (Seward had been in Europe), "and not a man from the Democracy, save Douglas only, came to greet him. D—n their impudence. I wish they would try it on me. Sumner feels it, I fear." Union meetings were being held in various Northern cities, ostensibly to protest against the radical elements on both sides, but actually to strengthen the Democratic Party. Fish refused to take part in the New York gathering. As threats of secession thickened, he could not but agree with David D. Barnard's gloomy interpretation of the situation: ¹⁷

I am not of the number of those who think it a difficult thing to dissolve the Union. I think it an easy thing. . . . There exists today a prevalent feeling at the South—a feeling that the government of the Union, through the impertinent meddling of the North, has utterly failed to offer them security for property, person, and life—which only needs to become a little intensified and consolidated into a common public sentiment, to make them rush upon dissolution and revolution without once stopping to count the cost or the consequences. Communities and states are subject to paroxysms of insanity as much as individuals.

There is madness at the North, and if it is limited in its range, rascality begins where the madness ends. A great and dominant party at the North teaches through its accredited and most influential public organs such gentle doctrines as these: "It is the natural duty of the slave to kill his master, and all who restrain him of his freedom"; "It is the natural duty of every freeman to kill the slave's master and all who restrain him of his freedom." . . . I don't think these things are well calculated to bind up the breach between the North and South. I think they are calculated to make a gulf between them which cannot be passed, or bridged over.

When Lincoln was nominated, Fish, like many Easterners, was dubious of his abilities. His letter to Henry A. Wise shows that he feared another Harrison campaign: ¹⁸ "Hurrah for Lincoln and Hamlin!!! Long Abe,

¹⁶ Fish Papers.

¹⁷ Barnard to Fish, January 22, 1860; Fish Papers.

¹⁸ Fish to Wise, May 24, 1860; Letterbooks. Fish's correspondence contains much interesting material upon the conventions. Sumner had written him on January 13, 1860: "Seward is cheerful and, I think, looks to the nomination—alluding more than once, in his conversation with me, to the prospect of representing the party. He says, What is fame?—and then tells the story of a person in the cars (while he was on his way to

old Abe, honest Abe, honest old Abe, honest old long Abe; now, Mr. Wise, ain't there enough there to elect a dozen Presidents? . . . We want a log-splitter, not a hair-splitter; a flat-boatman, not a flat-statesman; log cabin, coonskins, hard cider, old Abe, and dark horse—hurrah!" He knew little of the West, which he never cared to visit, and ill understood Westerners. But he was consoled by the thought that Seward had been paid in his own coin. "The little seeds that have been sown along the pathway of twenty-five years of ambition and selfishness have just come to maturity, and have overwhelmed the sower. Let those who have tears to shed, do so. My eyes were never more disposed to persistent drought."

Despite his skeptical attitude, Fish contributed \$500 to the campaign fund.¹⁹ The prominence given the slavery issue disturbed him, but he believed that the only complete remedy for Southern apprehensions now would be a trial of a Republican President. The Republican Party could not interfere with slavery if it would. "Let them come into power and reform some of the many abuses that have crept into the administration of public affairs—they will not disturb any right of the South."²⁰

He often repeated a statement he had made in 1856: That if the Union could be dissolved by the constitutional election of any eligible man, then it had not the strength necessary for its own preservation. He preferred to put the issue to the test at once. The questions between North and South at the moment were really abstract; the status of slavery had again been decided in every foot of our Territories—for there were not ten slaves in all Kansas. But the time might soon come when the United States, acquiring Cuba, Santo Domingo, or Chihuahua, would confront the issue of slavery-extension in practical form, with plausible arguments in its behalf. Moreover, Fish wanted to know once and forever whether American nationality really meant something. If any part of the confederation could withdraw whenever it pleased, we were living not under a permanent government but a delusion. Our army might at

Auburn, and guns were firing and speeches making), asking his neighbor: 'Who is this Governor Seward? Is he of New York?'" Fish Papers. James A. Hamilton, long a staunch friend of Seward, refused to go to Chicago to work for him on the ground that he would make a weak candidate. "If I had it in my power to make the nomination, I would choose one of several men in preference to Governor Seward." This was of course Fish's own view. When Bell and Everett were nominated by the Constitutional Union Convention at Baltimore, Henry A. Wise wrote Fish: "The ticket is regarded as a kangaroo ticket, with all the strength in the hind legs. I don't believe Mr. Everett will accept. The Democrats are tickled, because they think the Conservative men will draw off thousands of Republican votes and give them Connecticut." May 16, 1860; Fish Papers.

¹⁹ E. D. Morgan acknowledged this July 18, 1860; Fish Papers.

²⁰ To Sidney Lawrence, September 21, 1860; Letterbooks.

any moment be cut in two; our national credit might at any time be ruined by the secession of half of our taxable area.²¹

III

When Lincoln's election brought new and grimmer threats of secession, Fish felt that although both sections had behaved intemperately, the South had gone the furthest on the wrong path. Their people were less informed, less tolerant, than the Northerners. In letters to Southern friends he expostulated eloquently. What, he demanded, should be said of the Southern Episcopalians who had just rejected the prayers prescribed by the liturgy for the President of the United States?²²

What shall we say of the hope expressed on the floor of the Senate, within the last two days, that some Brutus may arise to rid the country of the "hoary-headed old traitor," Sam Houston, who is standing between the secessionists and the Union in the State of Texas? It is but a few days since that Mr. R. Barnwell Rhett . . . in a public speech in Charleston spoke of Messrs. Lincoln and Hamlin as follows: "They have elected a Southern renegade, spewed out of the bosom of Kentucky into Illinois, and a Northern white-washed or octoroon mulatto, to be President and Vice President of the United States." This is not pleasant to Northern ears, but nevertheless thus says Mr. Rhett, a Southern fanatic.

But while rebuking the Southerners, Fish still besought Republican leaders to offer concessions to the erring sisters. He would not yield an inch to downright secessionists; but, he wrote Seward, "I think *much* might be done to strengthen the Union men in the Southern States, who, after all, must fight the fight." Seward's answer irritated him, for it showed a belief that secession would be confined to the Lower South anyhow, and would have its beneficial side in ruining the Democratic Party. "Whatever may be done or said now," the Senator wrote, "will not hold back either South Carolina or any Gulf State. The Democratic Party North has not yet found out that secession is not merely a partisan game as heretofore. They stimulate and abet the treason, demanding humiliations of the Republicans which the Southern States confess to be useless, because too late. When once an overt act of treason is committed by any State, the time will have come for reaction in favor of the Union in the

²¹ Fish to Commander Thomas Turner, U. S. N., December 7, 1860.

²² *Ibid.*

Northern Democracy.”²³ Fish thought this attitude a great mistake. He believed that the conflagration, once started, would sweep the whole South, and that statesmen who hoped to check it should instantly adopt a broad national outlook. Had not the Republicans *gained* the great principle that slavery should not go into new territories? Could they not afford to be generous upon less essential points—indeed, upon everything save this and the reopening of the slave trade?

“To my view,” he burst out to W. S. Thayer,²⁴ “nothing can be more suicidal than the policy pursued by our friends. You say that we can concede honorably nothing that will satisfy the South. I differ with you. I think that we *might* honorably concede almost all that they ask, and that we *should* concede very much. . . . No concession *can* take away the great result of the victory. Slavery henceforth only exists—it can no longer rule.” If the South spurned a liberal offer, then it would be in the wrong; and if war came, the more clearly it was in the wrong the better. “I think concessions should be offered (and honest and *substantial* concessions, too) to secure Virginia and other Border States, and to strengthen the hands of Union men, South. If the Border States go with the Gulf States, I do not see how they are ever to be brought back. If reasonable and fair concessions are to be made before the spirit of secession spreads further in the Border States (and it is rapidly spreading) they may remain, for the purpose of bridging over the space and bringing back the Southern States.”

Fish could not sit still in the crisis. He attended informal Union meetings in New York;²⁵ then in January, 1861, while the Southern States

²³ Seward to Fish, December 11, 1860. Seward insouciantly added: “The gasconading here [Washington] is useful in two ways. It shows the Democrats that the purpose is division, not merely the restoration of the Democratic Party, while it also shows the Border States that they are to be ruined by the licentiousness of the Gulf States if they go with them. We think that here we see already apprehensions among the firecrackers that they may not succeed in getting out of the Union unless they can provoke some violence or intemperance on our side.” Fish Papers.

²⁴ Fish to Thayer, December 15, 1860; Letterbooks. William Pitt Fessenden had written Fish even more lightheartedly than Seward. “I have long been convinced that we can have no peace with the slave power until the utter folly of this long-continued threat of disunion shall have been demonstrated by actual experiment. The people of the South are led captive by ignorance and pride. They must be *left* to discern their own weakness, and then the cure will be speedy and certain. . . . I am for seeing the worst of it *now*. I will yield nothing to rebellion. . . . Had the President done his duty by word and act, my belief is that the trouble would have been substantially over by this time; as it is, I am inclined to think that the force of the storm is spent.” Fessenden to Fish, December 15, 1860.

²⁵ August Belmont wrote December 19, 1860: “Last evening I was present at an informal meeting of about thirty gentlemen, comprising our leading men, Republicans, Union men, and Democrats, composed of such names as Astor, Aspinwall, Moses H.

were seceding one by one, he hurried to Washington. Forts and arsenals were being seized; Southern officers were resigning; a great republic, formidably armed, was being created. The Crittenden Compromise had proved unacceptable alike to Davis and Toombs, to Lincoln and Seward. Fish had been grieved in New York by the widespread talk of fighting. A gentleman of seventy had told him, "Old as I am, I think the Union worth one fight." Upon this Fish made the pithy comment: But what will it be worth after the fight? Yet conflict was now at hand. One day he was lunching in Washington with Winfield Scott when a telegram arrived. The general read it and handed it to Fish. It announced that the *Star of the West*, sent on January 5 to reinforce Fort Sumter in Charleston Harbor, had been fired upon. Fish remarked: "My further mission in Washington is useless. I return home at once; this is *war*." On his return, January 18, he dejectedly wrote a friend: ²⁶ "The movement at the South is, I think, beyond the control of those who originated it; they have succeeded in inflaming passions and in exciting alarms and hatreds which they cannot stay, and which are sweeping themselves along in this mad torrent they have let loose." Most Congressional leaders, speaking privately, were for peace, "and on either side are willing to accept less than the others would grant"; but they dared not say so publicly for fear of their constituencies and of demagogic rivals eager to seize their seats. "And thus we are drifting on, possibly into a civil war."

When April 12th brought the news of the bombardment of Fort Sumter, Fish hurried to confer with other leading men of the city. The 20th found him presiding over one of the four sections of a vast mass-meeting in Union Square. That night he was sitting as a member of a Committee of Safety, out of whose deliberations emerged the Union Defense Committee. John A. Dix was its first chairman; on May 8, 1861, Fish became its second. For months he was ceaselessly busy at its Pine Street offices.²⁷

The Union Defense Committee did an almost indispensable work in the first year of the war. Its secretary was William M. Evarts. Its members included some men whom we shall encounter later in these pages—attorneys like Edwards Pierrepont and R. M. Blatchford, merchants like

Grinnell, Hamilton Fish, R. M. Blatchford, etc. They were unanimous in their voice for reconciliation, and that the first steps have to be taken by the North." *Letters of August Belmont*, 15, 16.

²⁶ To Charles S. Davies; Letterbooks.

²⁷ James Grant Wilson, *Memorial History of New York*, II, 490-493; *N. Y. Times*, April-May, 1860.

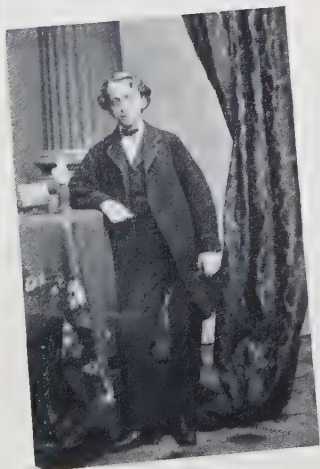
A. T. Stewart and Moses H. Grinnell. When it first met, the communications with Washington were menaced, war materials were lacking, disciplined troops were unobtainable. It set to work to organize volunteer regiments and hurry them to the front. The city raised a million dollars for it by a bond issue, while additional funds were received from private sources. Under State authority, it let contracts and made purchases; a sub-committee under Orison Blunt spent more than \$250,000 for arms and ammunition. By the close of 1861 the committee had helped to equip and place in the field sixty-six New York regiments; it had chartered war steamers, one of which, the *Quaker City*, captured eight Southern vessels. For a time it furnished relief to the families of volunteers. Fish made several public appearances; he was the principal pall-bearer at New York's great funeral to Elmer Ellsworth, the young colonel slain in Alexandria after tearing down a Confederate flag. But characteristically, he gave most of his time to details of administration.

At first the Committee conducted its work in secret. To Fish this seemed dangerous; he knew that some men might abuse their trust, and he soon heard rumors of extravagance and favoritism in letting contracts. He and Samuel Sloan therefore united in demanding the fullest publicity; and when they met opposition, he immediately (May 28, 1861) resigned. "I regret the necessity," he wrote,²⁸ adding that "my official position, however, in the committee, involved me in responsibility for the action of others such as attached to no other member." The committee then hastily accepted Fish's terms, and on June 17 requested him to resume his seat as chairman, which he did.²⁹ In all its subsequent activities no breath of scandal touched it. By the summer of 1862, Secretary Stanton having stopped the enlistment of fresh troops, it felt that its work was fairly accomplished. But at that moment a new crisis arose. McClellan's army had been thrust back from Richmond in the bloody Seven Days' battles, and it was necessary to call out fresh levies at once. Lincoln decided to ask for 300,000 men. On July 1 Seward met twelve members of the Union Defense Committee at the Astor House, and requested their aid, which Fish at once promised. Next day came Lincoln's call, and for weeks thereafter the committee was again busy helping to enroll and equip troops.

Meanwhile Fish had been employed in another capacity. Secretary

²⁸ Fish sent an explanatory letter to J. J. Astor, May 29, 1861; Letterbooks.

²⁹ W. M. Evarts to Fish, June 17, June 22, 1861; Fish Papers.



Susan Fish

Sarah Fish (Mrs. Sidney Webster)
Edith Fish

Julia Fish

Hamilton Fish, Jr.

Nicholas Fish

CHILDREN OF HAMILTON FISH

Stanton in January, 1862, appointed him and Bishop E. R. Ames of the Methodist Church to investigate and alleviate the condition of Federal prisoners within Southern lines. To millions of Americans this was a burning subject. During 1861 only limited exchanges of prisoners had occurred, the Lincoln Administration hanging back from any systematic transfer lest it involve recognition of the Confederacy as a government. But public opinion had become insistent that something be done. The press was full of stories of Southern cruelty; meetings of protest were being held. To quiet the clamor, Stanton asked Fish and Ames to go to the front at once, and supplied them with \$5,000 in cash and authority to draw upon the government for \$45,000 more. The Secretary perceived that an agreement of some sort must eventually be made; meanwhile, he hoped that Fish and Ames would be allowed to help the imprisoned Northerners.³⁰

Unfortunately, this hope proved groundless. On February 3 the two commissioners set out for Fortress Monroe. General Wool at once notified General Huger, commanding the Confederate forces at Norfolk, of their objects. Preparations had meanwhile been made to forward large quantities of medicine, clothing, and other supplies from Fortress Monroe to Southern prisons. But the Confederate authorities naturally objected to Northern inspection of their prisons, while they desired a general exchange of men. Secretary Judah P. Benjamin therefore sent word that he would agree to this broad exchange and nothing else; and on learning this, Stanton directed the two agents to return to Washington. Yet their mission did clarify the situation.³¹ Northern opinion called for the general exchange, and through regular army officers, Stanton arranged—temporarily—a systematic release of prisoners on both sides. On laying down their commissions, Fish and Ames congratulated the government upon finding a means of liberating the prisoners without actually recognizing the Confederacy.³²

IV

Republican criticism of Lincoln as the Civil War proceeded was based chiefly upon three grounds: that the President was inefficient in the conduct of the war; that he hesitated too long to make the extinction of

³⁰ Besides letters covering this service, Fish wrote an undated memorandum describing it; Fish Papers.

³¹ W. B. Hesseltine, *Civil War Prisons*, 20 ff.

³² *Official Records*, Series II, Vol. III, 261.

slavery one of its main objects; and that his reconstruction policy was too generous. Most critics took all three grounds. Fish took only the first, for with characteristic moderation he agreed perfectly with Lincoln on the other two issues.

As the first two dreary years brought defeat after defeat in the East, he grew gloomy and impatient. He heard many stories of corruption in the Federal departments, and saw direct evidence of it. A company of which he was a director sold a steam ferryboat to the Navy Department for \$60,000, of which \$58,000 went to the company, but \$1,500 was pocketed by a government agent. When the directors were called upon to "approve and confirm" the sale, Fish had the word "approve" stricken out.³³ To William Pitt Fessenden he wrote in despondent terms as the year 1862 opened.³⁴ "Lives and treasure without stint have been placed at the disposal of the government. But the earnestness of the people has not been met by energy on the part of those entrusted with the conduct of the war. A war against the treasury of the nation has been vigorously prosecuted; can we say as much of the war against the nation's enemies?" Fessenden thought no better of Lincoln. "I fear," he wrote Fish that summer, 1862,³⁵ "that the President will be mad enough to veto the Confiscation Bill. . . . He seems to be very much in the hands of the Philistines. Well, we have what we bargained for—a splitter of rails—and we have no right to complain."

Only now and then did Fish obtain a picture of the over-burdened President as he actually was. "Old Abe," Henry A. Wise informed him during the Seven Days' campaign,³⁶ "now spends half the night in the telegraph office of the War Department, and actually does his own dispatches to *all* the commanding generals. He was very blue last Sunday night when news came of the repulse of the left wing on the Chickahominy, but got better the next day when the balloon man telegraphed every few minutes how Kearny was driving back the foe and recovering our lost ground. . . . In sober truth, we *must* win, for there are no reserves, and should McClellan be routed, we are gone in Washington, since the undisciplined mob around us would run like the cholera."

The Cabinet member whom Fish most distrusted was Seward, and he and Sumner (though for different reasons) long hoped that another man

³³ Fish to John P. Hale, January 13, 1862; Letterbooks.

³⁴ January 25, 1862; Letterbooks.

³⁶ June 4, 1862 Fish Papers.

³⁵ July 15, 1862; Fish Papers.

might take his place. Sumner in May, 1861, wrote a brief note: ³⁷ "The Secretary of State is worse than ever. He has broken out in new madness"—this because Seward had instructed our Ministers abroad that slavery would not be attacked within the States. But Fish did not object to Seward's patience with slavery; he objected to his stiff-tempered conduct of foreign affairs. Particularly was he pained by the clumsy handling of the Mason and Slidell affair. From the outset he realized that the Southern envoys would have to be given up. When Seward did so belatedly and reluctantly, and on the absurd ground that they could not be held as "contraband of war," Fish commented to Sumner: ³⁸

The surrender might have been placed upon the general principle for which we have contended for sixty years—the most liberal construction of the rights of neutrals. On that ground we should have had the sympathy of all the nations of the Continent, and should have vindicated our own history and presented a noble consistency. But all this is *argued* away, and then at the close of the letter barely remembered and referred to, so as to contradict the argument of his letter and to make us ridiculous; and it does make us appear craven. . . . We might and should have turned the affair vastly to our credit and advantage. It has been made the means of our humiliation.

The Radical Republican effort in December, 1862—just after the bloody defeat at Fredericksburg—to drive Seward out of the Cabinet, was revealed to Fish at its inception. Senator Foster of Connecticut was his informant. "These are days of darkness—God only knows when we shall see light," Foster wrote on December 17. "After the adjournment today we had a caucus of our friends, and a pretty full expression of feeling was made. We took no vote, but we are to meet again tomorrow. The result of our action will be a new Cabinet, unless I am greatly mistaken. There is more earnestness and more unanimity among us than I have witnessed before. Almost by common consent, that member of the Cabinet who is understood to control and annul its decisions must, in some way, be compelled or induced to leave it. I believe this purpose will be accomplished, but the President is not very impressible, and may not yield. I think he must." The intention of the Radicals was to expell

³⁷ May 22, 1861; Fish Papers. In an earlier letter Sumner had made a curious admission that his talents were critical rather than constructive. "There are many things here which I do not understand. For myself, I had much rather be in opposition. But I am now to see the experiences of power; and I do not like them." Sumner to Fish, March 16, 1861; Fish Papers.

³⁸ December 29, 1861; Letterbooks.

Seward, Blair, and other moderates, and reconstitute the Cabinet about that pet of the extremists, Secretary Chase. This did not suit Fish at all. He at once warned Foster: ³⁹

We are already too much distracted and divided, and need "concentration" and consolidation of sentiment and of purpose of action. The later (or present—which?) Cabinet fails because it *distracted* the party which brought it into power. . . . If it is displaced, in its entirety, on *this* ground, and without attaching indignity and censure to anyone above the others, and is replaced by another Cabinet, formed without reference to past differences, and *especially* without the application of any test of opinion upon any particular *theory*, but with a view only to its competence to put down the rebellion, and to unite the North in confidence in support of the government, then we may hope for the future, and be thankful for what has occurred.

If on the contrary, the new Cabinet is to be purely partisan or to be extreme in its adoption of any particular theory as a specific for putting down the rebellion . . . then the change will be *fatal*—we shall be more distracted and divided at the North than heretofore. . . .

When Lincoln defeated this movement for a factional reorganization of the Cabinet, Fish was anything but sorry. There were dark moments during the war when he wrote in severe terms of the President. We find him at the beginning of 1863 lamenting the possibility that the North would meet defeat "amid the riot of vulgarity, violence, and corruption, and under the rule of imbecility and vacillation." But if he failed to recognize Lincoln's genius for government, he both feared and disliked the Radicals. He disapproved of the Committee on the Conduct of the War, devised by Thaddeus Stevens and Ben Wade; as he wrote Sumner, it had been productive of much discredit and disaster to the army. He refused to serve as vice president of a meeting called in 1862 by men who held that the rebellious States had lost their membership in the Union. On the contrary, he declared,⁴⁰ every State was still part of the indissoluble republic, and would resume its full status therein as soon as it had a loyal government.

When the draft riots terrorized New York City, he likewise laid a great part of the blame upon the extreme Abolitionists. Some of them had proclaimed that the government should and would bring large num-

³⁹ December 20, 1862; Letterbooks. But in this letter Fish again condemned Seward. He "has done much to deprive our government of the respect and confidence of foreign Powers. He has also failed to appreciate the importance of energy and consistency in the prosecution of the war."

⁴⁰ Fish to James Mackaye, March 5, 1862; Letterbooks.

bers of emancipated slaves into the Northern States. The underpaid laborers of the metropolis had taken alarm. Industrious and orderly workingmen, grown panicky lest masses of Negroes compete with them in the labor market, had joined the hoodlum element in attacking the blacks. This apprehension had even spread into rural towns, so that Fish's colored servants dared not leave his estate at Garrison. He wrote Chase⁴¹ that the government ought to reassure the public, for the thought of a Negro invasion "excites and maddens many whose daily labor is their only and precarious support even without the competition they have been brought to fear."

V

To the end Fish refused to share in the war fever. He criticized the government on various counts. For one reason, he believed that it paid too little attention to the great fortunes being wrung from the war, and the consequent reluctance of powerful interests to see it end.⁴² "Some people are making lots of money—and they are some *other* people's friends." For another, he thought it too heedless of the waste and thievery in contracts, bounties, tariffs, and special privileges. Speculation was making ghastly strides; dishonesty ran riot in many government offices. The New York Custom House under Hiram Barney he understood to be a hotbed of thievery—the detectives who in 1863 caught a few culprits there left "a depth of damnable rascality yet unexplored."⁴³ When the campaign of 1864 first opened, he shared with such men as Chase, Greeley, Bryant, and Ben Wade the feeling that Lincoln was far from the best candidate available. He was even willing, he wrote Sumner, to consider voting for the Democratic nominee, McClellan, who was an old friend.⁴⁴ "I knew McClellan tolerably well. With a very great regard for him, and with a very high opinion of his general abilities and of his patriotism, I find great difficulty in convincing myself of my duty to give him my vote. *Personally*, I regard him as far preferable to Lincoln, but he is surrounded by bad company (politically, I mean). . . . It is hard

⁴¹ July 18, 1863; Letterbooks.

⁴² Fish to Sumner, June 17, 1863; Letterbooks.

⁴³ On Fessenden's appointment as Secretary of the Treasury Fish congratulated him in a cynical note: "Honesty, fidelity, and capacity (except in theory) form a rare combination in our political system. Thanks to Mr. Lincoln for allowing it to appear once in his term." This indicates his long distrust of Chase, first as a Radical on the slavery question, and then as the man who permitted the greenback emissions; he was glad to see him supplanted by a more cautious Secretary. July 5, 1864; Letterbooks.

⁴⁴ Fish Papers.

to be compelled to choose between him and Lincoln. The one I like; for the other I have no respect and no confidence."

Such a letter, written as late as September 21, does not speak well for Fish's political insight. But it must be remembered that half of the Republican leaders of the day wrote in terms equally harsh; it must be remembered also that the evidence of Lincoln's greatness was as yet only imperfectly visible. Later in the fall of 1864 Fish came out with a vigorous public statement in behalf of the President, declaring that the whole future of the government depended upon his reelection.⁴⁵ And when Lincoln was assassinated, he expressed genuine sorrow. In the funeral procession in New York he walked at the head of the State Society of the Cincinnati; in his correspondence he referred to him as "the great martyr of the struggle that confirms the nation's existence."

But even when the war was victoriously ended, it seemed to him an almost unrelieved tragedy. He was glad that slavery had been destroyed, but he believed that it would have been far better to have abolished it peaceably and by degrees. The nation seemed to him coarsened and lowered, not refined and lifted to a higher plane, by the struggle; he felt that it was worse and not better for the bloody upheaval that he had done his best to avert.

⁴⁵ Letter to Isaac Riggs, October 31, 1864; Fish Papers.

LINCOLN was carried to Oak Hill, Johnson moved into the White House; Southerners stood gazing about them in despair, and as they took the first uncertain steps to restore government and orderly society, Sumner and Thaddeus Stevens moved to thwart them; the West fell open to the buffalo-hunter, railway-builder, and Indian-plunderer; the reign of Tweed began in New York. Fish, feeling (as to many he appeared) a survivor of the eighteenth century, a last protestant against the promoter's and politician's Olympus, retreated within his own sphere. The greatest events of his life at this period were the oscillation between his two houses, one on Stuyvesant Square, one in the Highlands of the Hudson. Fitting the latter half of the poet's phrase, "the world forgetting, by the world forgot," he felt, as he gazed out on the swollen, turbid current of American life, no discontent that it passed him by so completely.

He was precisely such a figure as John Jay had been after he retired to Bedford; as Albert Gallatin after he commenced his long residence in lower New York. He had not served as conspicuously as they, but he had earned his leisure and gladly took it. He believed his retirement as complete as theirs, and like them, was aware that he had lived out of one age into another.

A man of large property, he had so arranged it that it gave him little trouble; interested in politics, he stood aloof from it; a lover of study and of domestic felicities, he delighted in a broad margin to the page of life. He had an instinctive sense that the commonwealth cannot reach ideal proportions without men who use wealth to perfect themselves in wisdom, and to lend their shoulders to civic and philanthropic labors. There flowed down from his ancestry, moreover, a desire to illustrate the ideals of moderation, cultivation, and generosity that were so little regarded in American life. He was not an idler; he had served at the rough oar, he still worked hard for his church, for educational, patriotic, and historical organizations, for charity. But he felt that it is better to be than to do, that what a man is counts for more than what he performs. To have character; to display tolerance and sagacity on the issues that divide honest citizens; to promote learning, taste, and piety; to mani-

fest whenever opportunity offered a selfless patriotism—these were his aims. In the best sense of the word, he was a patrician.

But he would have preferred to be called simply an old-school gentleman. Social exclusiveness was no part of his scheme of life, nor was he austere. He was dignified without being stiff, high-minded without being priggish, a stern disciplinarian who yet had lovable qualities. Conscientiousness and unyielding rectitude may be more repellent than vice if they are not warmed by humanity and humor. No trait in Hamilton Fish was more prominent than his geniality. He loved the glow of after-dinner conversation over his Madeira (he recognized no other wine) and cigar. He wrote whimsical letters whose wit soon evaporated, but over which his friends laughed. These friends were pleasantly diverse—the humorless Charles Sumner, the learned Francis Lieber, the keen-witted Jonathan Nathan, the canny Thurlow Weed. In his nook on the East Side, hard by William M. Evarts, Bishop Horatio Potter, and others of distinction, he belonged to a society that made little of money, something more of family, and much of ability, character, and congeniality. Everyone knew "the governor" as one of the kindest, most approachable of men. Yet his bonhomie had a certain cynical edge. He had seen too much of the world to be taken in by surface values, and his good-nature often permitted a cutting remark which showed that he cherished no illusions about human frailty or selfishness.

With post-war America, hustling, hard, aggressive, still nursing its sectional hatreds, he had little in common. He was distinctly out of sympathy with the vindictive Northern politicians, with the sulking Southerners, with the Western brigadiers trampling into Congress. Nor did he have much understanding of the men who were eagerly building railroads, erecting iron mills, and floating loans in Wall Street. He knew that it was necessary to develop the country, but subconsciously he felt that all this scrambling haste was wasteful and unhealthy. His affiliations were with the older and more dignified New York institutions. He was a leader in the most conservative church, the Episcopalian; he was head of three societies which jealously guarded the traditions of the past—the Society of the Cincinnati, the St. Nicholas Society, and the New York Historical Society; he did business with the oldest banks and commercial firms; he was president of the board of trustees of Columbia College. The spirit he represented was vigorously and authentically American, but it belonged to the American past; the spirit of early republican days,



GLENCLYFFE: VIEW FROM GLENCLYFFE PORCH

the Federalism of Washington, Hamilton, and the Adamses.

As his personality had an old-fashioned flavor, so also it had a distinct narrowness. His reading, interests, and ideas fell within a curiously limited area. In literature he knew far more about authors of the sixteenth, seventeenth, and eighteenth centuries than the nineteenth; he could quote Fielding and Smollett better than Thackeray. In American history he was well-informed; he was familiar with the writings of the "fathers," was a diligent student of Revolutionary events, and since entering the Senate had mastered American diplomatic history. Indeed, it was remarkable how much he knew about the details of our diplomacy from Franklin to Seward, and about the principles—so far as they then went—of international law. But of European history, especially outside England and France, he knew very little. In economics he took slight interest, and in science, save as its newer ideas grated upon his Episcopalianism, none. He had given assiduous study to art, and prided himself upon the books and engravings purchased in Europe; but it was an amateur's study, and of principles of aesthetics he knew little or nothing. Compared with Sumner, whose learning was prodigious, who talked on equal terms with Boston philosophers and English men of letters, he was a man of narrow cultivation.

But where Fish differed most from the dogmatic Sumner or the intense Fessenden was in a certain largeness of mind and heart. Not so intellectual as these men, or as Everett or Cushing, he was more broadly human. He had talked much with up-State farmers and the city mechanics employed in his building operations; with newspapermen, small lawyers, and army and navy officers. His was a generous outlook. Men liked him as they never liked the leaders just named. He was never petty or personal; his talk had a certain spaciousness; while he did not generalize frequently, he lifted ideas into a loftier sphere; he never posed. An erect, slow-moving figure; a leonine head surmounted by a thick shock of curly hair; large, startled-looking eyes; a heavy Roman nose set above a square, determined mouth; large chest, large limbs, large feet—he moved among smaller men like a great three-decker among caravels. There was a considerate quality about his dignity; there was a kindly glint in the inquiring eyes. He had remained simple, for he had not been in politics long enough to put on an habitual mask. In breadth and informality he resembled Seward. But these two successive heads of the State Department differed in important ways. Less subtle, less quick-

minded, Fish was more direct; and while Seward loved a devious path, Fish never left the straight highroad. Again, while Seward spilled over with free, offhand talk, delivered rapidly with a gesturing cigar, Fish was diffident, almost reticent; but a good deal of Seward's talk was designed to mislead hearers, while Fish meant every word he said. In manner, finally, he was as courtly as Seward was bluff and rough-spoken; he came as obviously from Knickerbocker circles as Seward came from a little town of western New York.

One of his greatest pleasures in these years lay in the estate "Glencllyffe" which he had acquired at Garrison-on-Hudson. Purchasing a tract of 97 acres in 1861, he gradually enlarged his holdings to 471 acres, and improved the house. It lay more than a mile from the station of Garrison, reached by the Beverly Road, winding up over an abrupt ascent. The tract possessed romantic beauty, with dipping glens and glimpses of distant hills. All this region had been debatable ground in the Revolution, and from a dock just below the house Benedict Arnold had escaped to the British warships after his attempted betrayal of West Point. Directly opposite, on the crags of the west bank, rose the gray walls of the Military Academy.

The house, of red bricks which shone warmly through the trees, had square lines of ample dimensions, with a "tower" built by Fish, and a broad covered piazza running around the west and south. It was imposing rather than pretty. But the view southward always drew an exclamation from visitors. A bend in the Hudson brought it into almost a straight line with the house, which stood on an eminence of several hundred feet. Those walking around the piazza could gaze down the majestic reaches of the river, here widening so that it looks rather like a lake, or westward to Old Cro' Nest Mountain and the milky thread of Highland Falls. Broad lawns near the house gave a setting to brilliant flower-beds. Fish took pains to reforest a large part of his estate, and had paths cut among the trees and lichen-covered rocks. A story survives which illustrates at once his passion for improving the place and his ingrained decorum. He long desired to acquire a spring on some land adjoining his own. Finally the owner died. Fish scrupulously waited for a fortnight, and then called on the family. "By the way," he said in leaving, "if you would care to sell that spring, I should like to arrange its purchase." The heir laughed merrily and clapped him on the shoulder. "Fish," he said, "your neighbor Osborn got ahead of you there. He saw me and arranged to buy it the

day of the funeral!"¹

Indoors, the drawing-room, with its chairs and sofas covered with flowered pale-blue damask, its candelabra, engravings, and carefully-chosen paper, showed a sensitive taste. The library was lined on four sides with oak bookcases, well filled; on its walls were steel engravings of Nicholas Fish, Charles James Fox, and Lord Chatham. The most valuable paintings and the statuary by Powers and Palmer were in the Stuyvesant Square house. This was a great stately mansion, in the heavy mid-Victorian style; it had altogether more luxury and elegance; and its central staircase was thought by some the finest in the city, though others pronounced it ugly. But Fish was happiest in the country, and sometimes threatened to sell his town house and spend most of the year at Garrison. He had congenial neighbors on the Hudson, including the attorney Edwards Pierrepont, President W. H. Osborn of the Illinois Central, and Washington Irving's old friend Gouverneur Kemble, Fish's senior by twenty years.²

The brown notebook³ in which Fish kept a systematic record of Glen-clyffe visitors shows that Bishop Potter, Dr. Haight, and Dr. Morgan Dix, three Episcopalian leaders, came repeatedly. Professor Francis Lieber of Columbia and Professor Mahan of West Point, father of the naval historian, were occasional guests; and so were Caleb Cushing, William M. Evarts, and General Meade. In 1867 General and Mrs. Grant, their children Nellie and Jessie, Colonel Badeau, and General Horace Porter stayed July 9-15. "General Grant and Colonel Badeau went to Washington on the 11th and returned on the morning of the 13th," writes Fish. Visits by Lord and Lady Amberley are recorded, and by fashionable New Yorkers like the Cuttings, Morrisises, Lydigs, Livingstons, and Astors. In town, writes a contemporary,⁴ "the Fishes, Belmonts, Astors, Cuttings, Morrisises, Kings, Livingstons, Hamiltons, Jays, Duers, Emmetts, Russells, Cunards, Howlands, Aspinwalls, Grinnells, Schuylers, Pells, and Rhinelanders made a very decided and exclusive circle, of which Mrs. Belmont might be called the leader. Mrs. Hamilton Fish, Mrs. Robert Cutting, and Mrs. J. J. Astor were the

¹ Mrs. Richard Aldrich, one of whose guardians in early life was Mrs. Fish's sister, Mrs. William Preston Griffin, has kindly given the author reminiscences of Hamilton Fish and his wife derived from members of the family. Cf. Adam Badeau, "Hamilton Fish," *The Forum*, November, 1893.

² For this friendship see *N. Y. Herald*, August 10, 1869. Pierrepont, a graduate of Yale of intellectual tastes, had a town house on Fifth Avenue between 17th and 18th Streets; and Hamilton Fish, Jr., studied law in his office.

³ Still in the Fish Papers.

⁴ Mrs. John Sherwood, *An Epistle to Posterity*, 85 ff.

duchesses; Mrs. Lloyd Aspinwall and Mrs. G. G. Howland the great beauties."

Mrs. Fish was a woman of stately poise and dignity, but of great amiability and humor. Her kindness was later to make a marked impression in Washington, as it had long done in New York. During Fish's Congressional term she had lived in the capital very modestly, and had learned what a chilly place it is for young Congressional wives. When she returned as wife of the Secretary of State she gladly climbed four or five flights of stairs to the rooms of Western members, talked with their lonely wives in the most cordial way, and invited them to her receptions and teas. Her helpfulness to all in trouble was proverbial. She was a vigorous woman. She superintended the work of her household in its minutest details; it is remembered that, coming down from Glenclyffe to Stuyvesant Square in the absence of the servants, she would don apron and set to cleaning the house with tremendous energy. There is even a tradition that when a grandchild was born unexpectedly, she showed herself capable of acting as midwife. During the war she was president of the Metropolitan Fair conducted to aid the Sanitary Commission, and like many of her subordinates, labored almost to prostration; she worked hard also in various charities. Of more pronounced literary tastes than her husband, she always attracted intellectual men. Thackeray on one of his visits to New York had her buy him a wedding-gift for the Southern girl who had been the original of his Miss Fanny Mountain in *The Virginians*. She and the most cultivated of her sons-in-law, Sidney Webster, a brilliant, widely-read man as full of ironic wit as Henry Adams, were especially congenial. Her taste for society was always active, while that of Hamilton Fish was rather passive. But like her husband, she manifested a strong family feeling. Like him, she was intensely religious. Again like him, she had great strength of character; and her habitual kindness disappeared instantly when she thought that wrong was being done or principle violated. Her advice was valued not merely by her husband but by other public men. In whatever success Fish achieved in the social, political, and diplomatic fields, she played a large part.

Sumner dined repeatedly at Fish's town house, and dropped frequent notes to the family. On September 2, 1866, the stiff bachelor of fifty-five made an unexpected announcement.⁵ "I am unwilling that you should hear from anyone but myself that I am engaged to be married. It is

⁵ To Mrs. Fish; Fish Papers.

enough, perhaps, when I say this—at least for the present. You would not believe it, I fear, without this affidavit. In memory of a friendship, always valuable to me, which has endured throughout my whole public life, I send you this missive.” His fiancée was a vivacious young Boston widow, Mrs. Alice Hooper. On his wedding morn he wrote again.⁶ “To-day at three o’clock we shall be in the presence of the Bishop at the home of Mrs. Charles Appleton. At 4½ o’clock we shall be on the way to Newport, with her little daughter Bell and her dog Ty. So I begin with a little family.” That winter Fish heard from Henry A. Wise that Mrs. Sumner was “the leader of the *ton*” in Washington society.

During the war years Fish’s first grandchild had been born, and he had suffered his first great bereavement. In 1860 his eldest daughter, Sarah Morris, had married Sidney Webster, a young attorney who had been private secretary to Franklin Pierce, and to her the child came. The second daughter, Elizabeth, was married in June, 1863, to Frederic S. G. d’Hauteville, an attractive young man whose father was a Swiss baron, and whose mother a Sears of Boston. Elizabeth had been endowed from babyhood with a beauty and grace which made her a universal favorite. Her sudden death at Marseilles eight months after her marriage was a heavy blow to the family and to friends. “You cannot doubt,” John Lothrop Motley wrote Mrs. Fish,⁷ “how distressed we were at the thought that one so beautiful, so accomplished, so good and so charming, who seemed to have so many years of happiness and usefulness before her should have passed away forever. . . . Rarely has it been my lot in any part of the world to meet with one who had the power in so short a time of impressing herself so deeply upon the mind and memory.” Fortunately for Fish, the third and fourth daughters did not marry until 1868, his sons were still with him, and Sidney Webster and his wife long resided across the way at the corner of Second Avenue and Eighteenth Street.

II

In the post-war years Fish kept healthily busy. He oversaw numerous business interests, chiefly in realty. A director of the New Jersey Railroad and Transportation Company since 1851, he was president in 1863, and served continuously as vice president from 1864 until in 1872 the

⁶ To Mrs. Fish, Boston, October 17, 1866; Fish Papers.

⁷ Vienna, August 7, 1864 Fish Papers.

company was merged with the Camden & Amboy.⁸ In 1860 he had been elected a trustee of the Bank for Savings. For some years he was chairman of the executive committee of the Standard Life Insurance Company, and at one time acting-president. A long list of minor responsibilities fell to his lot. He was president for a time of the American Botanical and Zoölogical Society, and of the Geographical Society,⁹ and was active in the Mercantile Library Association. In 1865 he was appointed to a State commission charged with providing for the records of the "war of the rebellion."¹⁰ In 1867 he became a trustee of the Peabody Fund. Chosen president of the General Society of the Cincinnati in 1854, he retained that position until his death.

But above all, he labored in the Episcopal Church and for Columbia College. Long a vestryman of St. Mark's, after the purchase of Glencliffe he became vestryman also of St. Philip's-in-the-Highlands. As early as 1835 he had been a member of the Standing Committee (the main governing body) of the New York Diocese, in which he came to be the most influential layman. In the General Convention of the Church he was always prominent. He called himself a "moderate churchman," but was rather low church than high church. In 1865 the application of the Southern bishoprics for readmission posed an important question of policy. Corresponding with Dr. Potter and others, Fish insisted upon a generous attitude. The General Convention that year plunged into a heated four-day discussion. The status not only of those who had been bishops before the conflict, but of Bishop Wilmer, consecrated during the war, had to be determined. Fish said little until near the end. But what he did say was decisive in effecting the readmission of the Southern dioceses and bishops, including Bishop Wilmer—a contribution to social Reconstruction.

Columbia College in the sixties offered problems which he faced more realistically than most of the trustees. Still a weak classical institution, with an undistinguished faculty and poor equipment, it sorely needed reinvigoration. An effort at reorganization in 1853-54 had failed. Its total enrolment could have mustered in an ordinary lecture-room; it graduated a mere handful of men every year. No instruction whatever was given after one o'clock. The library discouraged the lending of

⁸ His service is described in a letter of L. H. Anderson to A. J. Cassatt, Trenton, February 12, 1902; Stuyvesant Fish Papers.

⁹ Elected 1861; Henry Pierrepont to Fish, October 4, 1861; Fish Papers.

¹⁰ Act of May 13, 1865.

books. President Barnard, who was inaugurated in 1864, and who unquestionably possessed learning and vision, seemed to Fish to lack energy and initiative. He was no such aggressive leader in education as Dr. Eliot soon proved to be at Harvard, and Andrew D. White at Cornell. More and more troubled by the deficiencies of the institution, Fish in 1868—after an especially unhappy meeting of the trustees—let his indignation boil over, and wrote Dr. Benjamin I. Haight of the board a letter to be shown to others: ¹¹

In my long connection with the college nothing has occurred to shake my confidence or distress me so much with respect to the future of the institution as the proceedings and the exhibition of this day. The College is becoming, if it be not already, an asylum for the children of the horse-leech. The instruction is confined to 148 days, *and parts of days*; the faculty is more clamorous or rather more subtle and efficient in pursuit of holidays than the students. The utmost of time required of any of the professors is three hours a day during these 148 days; not all of them are required to give that amount of time. Few of them do anything outside of their lecture-room to bring reputation or credit to the College; and it cannot be truly said of all that they bring much reputation to the college, or do great service to the cause of education in their lecture-rooms. Consider them separately, look at the courses of each, and see if this be not so. . . .

We graduate about 30 students a year; we have about 140 in the college; we paid last year in salaries, in the academic department, \$55,283; we added some nine or ten thousand dollars to that sum today—\$64,000 or \$65,000 a year in salaries for 140 students, more than \$2,000 a year for each graduate, to say nothing of the many other thousand dollars expended on this department, and the interest on the cost of the college property, etc. The proposition for this increase received but one negative vote, although several Trustees expressed to me afterward their disapprobation of the measure. . . .

How is the college to expand, or to enlarge its usefulness? Our library is insignificant. Our buildings are inadequate. Our apparatus is not what it should be. Sixty years ago we had one student, and graduated one every year to about every 2,900 of the population of this City; and now one student, and one annual graduate to every 26,000. Then the college was poor—now it is rich. We are told who pick up crumbs under a rich table. Then the professors were earnest and worked hard for a moderate pay—now—— But I must stop.

Columbia needed an energetic initiation of new undertakings to transform it from a feeble college into a true university. Fish had been a member of the committee of three which in 1853-54 had brought in

¹¹ January 6, 1868; Letterbooks.

recommendations for precisely this end.¹² He had watched with discouragement the failure of the experiment in graduate instruction. Together with S. B. Ruggles and Lewis M. Rutherford of the board, he had tried to get more work out of men like Dr. Anthon, who in 1858 peremptorily refused to teach an extra course unless his \$4,000 salary were increased by \$1,000 and the lecture-fees.¹³ It was Fish who in 1857 did most to bring Dr. Francis Lieber to the College, and who had his chair called that of history and political science; for Lieber, as a disciple of De Tocqueville and Bunsen, wished to lecture on government. Fish also supported the expansion of instruction—the union with the College of Physicians and Surgeons, and the opening in 1864 of the School of Mines. But he, Ruggles, and Rutherford made only slow progress against the conservative trustees.

Of the independence of the college he was always most jealous. He had been deeply disappointed in the middle fifties by the failure of the board to appoint an eminent scientist to the chair of chemistry. Ruggles and he championed the candidacies of Wolcott Gibbs and A. D. Bache, but the clerical and conservative members insisted upon a much weaker man. The result was a stormy controversy in which fierce charges of Episcopalian domination and prejudice (for Gibbs was a Unitarian) were levelled against the board, and the State Senate appointed a committee to investigate the college. A spirited scene took place the morning this committee presented itself at the college premises on Madison Avenue. In front of the locked gates was the towering form of Hamilton Fish, flanked on one side by Ruggles and on the other by Rutherford. "Gentlemen," he said, "as a State Committee, claiming the right to investigate Columbia College, these gates are barred against you, and you will not be permitted to set foot within these grounds. As a group of private gentlemen, desirous of visiting our college, you are most welcome, and we shall be happy to conduct you over it." They accepted his terms, and the gates were thrown open.¹⁴ To their inquiries—as private gentlemen—he gave the fullest aid.

Of religious domination in the college he had little fear; the eccle-

¹² F. P. Keppel, *Columbia*, 4 ff. Mr. Keppel (p. xiii) lists Fish as one of four dead makers of Columbia who had in largest degree "the prophet's vision."

¹³ See a large number of letters from President King, Ruggles, Gouverneur Ogden, and others upon university affairs in the Fish Papers, 1853–60.

¹⁴ President Butler had this story from Fish, and gave it to me. See Fish's letters to the Senate Committee, October 4, November 9, 1854, formally denying its jurisdiction; Letterbooks.

siastical influences became weaker year by year. But he did feel a keen apprehension that Columbia would become the preserve of a little alliance of selfish trustees and professors, a close corporation of men who managed it for their own benefit. Early in 1868 the election of a new trustee was controlled by a coterie of the board with reference to its effect on the appointment of a new professor. Fish and Barnard were deeply alarmed. "I participate, most seriously and painfully, in the fear you express of impending misfortune," Fish wrote the president.¹⁵ He had jeopardized old friendships by warning his fellow-trustees against cliques and combinations. He had even weighed the question whether it was not his duty to resign and "become a denouncing remonstrant," exposing the abuses which he could no longer prevent as chairman of the board. "But if there be any hope of arresting the present tendencies, and thus averting serious consequences, I shall be most happy to coöperate with those who have the real interests of the college at heart." He was ready to support drastic action against the dry-rot, the laxity, the want of vision and energy, which enfeebled Columbia; but within a few months he was called to Washington.

III

If ever the country needed men of moderate temper, it was during the bitter crisis of Reconstruction. By the spring of 1866 President Johnson and the Congressional Radicals were savagely embattled. That summer the Congressional campaign took on the character of a grand national referendum; a referendum which, following a copious injection of prejudice and misrepresentation into the struggle, unfortunately went against Johnson's mild policies.

No one who knew Fish could ever have felt doubtful as to the position he would take. He sternly disapproved of the acts of the Radicals, including his friend Sumner. We can imagine him shaking his head over a note from the Massachusetts Senator in July, 1866: ¹⁶ "It is true I was not well some weeks ago. I had overworked and strained my system, so as to revive some of the symptoms arising from my injuries ten years ago. But tonic medicines and comparative rest have gone far to restore me." He knew Sumner's emotional excitability well, and pitied those who had to bear with his temper whenever mental tension reappeared. Of course he had no acquaintance with the President; but in spite of

¹⁵ Fish to Barnard, February 5, 1868; Letterbooks. ¹⁶ July 23, 1856; Fish Papers.

Johnson's indiscretions, Fish sympathized with him. He wrote after the veto of the Freedmen's Bureau bill in February, 1866, that while he did not like "the habit of a President of the United States addressing crowds—it leads to some unfortunate speeches," he nevertheless agreed with him.¹⁷ "The veto message I think commands the assent and approval of a *very* large majority of the calm and thinking community; this approval would be more outspoken but for the February 22nd speech, which in some of its parts was exceptionable."

The National Union Convention which met in Philadelphia that August in an effort to combat sectional passion deserved more sympathy than the North gave it. Lowell sneered at it as an experiment in making a party out of nullities. But there were staunch and patriotic Republicans—Henry J. Raymond, Montgomery Blair, Henry Ward Beecher—who applauded it; and Fish was one of them. As a matter of fact, it enlisted a considerable fragment of the Republican Party; many War Democrats who had supported Lincoln; and some moderate Southerners. Immediately after its adjournment John A. Dix and other New Yorkers arranged a mass-meeting of approval. Fish was asked to preside. After some demur, he promised to accept if the committee insisted. "I believe that we are involved in dangers which require of every good citizen both vigilance and duty," he wrote Hiram Ketchum; ¹⁸ adding that the meeting was "wise and proper." Absence from the city finally forbade his appearance, but he sent a check.

And later, in the heat of the campaign, he sternly condemned the aims of the Radicals. In a letter read at a political meeting in October he wrote that while he was a loyal Republican, he detested sectional trouble-makers.¹⁹ "The harmonizing of strife demands attributes quite as high and generous as those required for the successful conduct of the strife; and the restoration of peace to a distracted country is the high and sacred duty of those who may be entrusted with the making and administering of the laws of the land." He pleaded for imposing none but mild tests upon the South, and assailed prominent features of the pending Fourteenth Amendment:

We all agree that an observance of constitutional right, and the dictates of policy and of justice, demand the earliest practicable admission of the lately

¹⁷ Fish to W. L. Hodge, February 28, 1866; Letterbooks.

¹⁸ August 27, 1868; Letterbooks.

¹⁹ To Charles A. Dana, F. A. Conkling, and others; October 12, 1866.

insurgent States to representation in Congress; but a difference of opinion has existed as to the time when that admission may safely be made.

I am among those Republicans who think it might and should be made so soon as loyal Representatives present themselves, capable of standing the scrutiny of those qualifications which each House is, by the Constitution, authorized to make with respect to its own members. That scrutiny should be thorough and satisfactory; but I know no other limit under the Constitution to the right of a State to be represented in the Federal Congress.

. . . I cannot give a cordial support to that part of the proposed amendments which restricts the control of each State over the laws regulating suffrage within its limits, by making the exercise of that control the price of representation in the Federal Congress.

IV

In these years, quiet and sunny for him, Fish looked out upon a planet that was clouded and storm-ridden. Never having lost his interest in foreign affairs, he followed events of the day in Europe, Canada, and Latin-America much more closely than the ordinary New Yorker of his time. He regularly saw the best British and French reviews and the London *Times*. Little did he think that he was soon to grapple with some of the problems that were disturbing international relations.

Change, unceasing change!—never had the world been fuller of it. The eradication of slavery in the United States was but one drop in the wave. Even England was changing fast. When in 1859 Fish had last looked back from the deck of the *Arago* at British shores, Lord Palmerston had controlled the Government. This grizzled veteran of state, who had sat in the House of Commons for more than fifty years and been a Minister of the Crown more than forty, had played a unique rôle; in foreign affairs the hearty champion of liberalism and reform, at home he was the unyielding opponent of innovation. But when he was found dead at his desk in 1865, the reformers swept into power with Earl Russell and Gladstone. Next year a Reform Bill was introduced; and though the Conservatives shortly carried the elections, Lord Derby and Disraeli had to bring forward a reform measure of their own that granted full household suffrage. Fish doubtless read Carlyle's description of the change as "shooting Niagara." He perceived as clearly as other Americans that an old era had closed, a new era had opened, in British affairs. The Parliament of the upper middle classes had at last been replaced by a Parliament of the people. Controlled by the interests

of this larger constituency, it had other aims than the old Parliament. When Gladstone became Prime Minister in 1868, with Lord Clarendon, John Bright, and the Duke of Argyll in his Cabinet, the way lay open for a broad programme of liberal legislation.

On the Continent change was still more rapid. Napoleon III was desperately trying to preserve his uneasy throne. The opening of the Exhibition of 1867 in Paris promised a brilliant display of the benefits of his reign. But the first fêtes were hardly over when news came of the execution of Maximilian at Querétaro—Bazaine having embarked the last French troops from Mexico in March. That summer Garibaldi, rousing his followers with the cry "Rome or death!" led them into the Papal States, and French regiments had to be hurried from Toulon to stop him. The year before, Prussia had defeated Austria in a six-weeks' war, and Napoleon was trying to obtain some compensation for himself; but by brusque diplomatic action the Prussians prevented the French purchase of Luxembourg from Holland. Observers could see that the current was setting steadily toward the unification of both Germany and Italy; they could see that the Emperor had reason for anxiety over the "black shadows" which, in a speech at Lille, he pictured hovering on the horizon.

But Fish was most interested in those changes which impinged upon our own sphere of affairs. To many observers just after the Civil War a general European evacuation of North America seemed about to take place. The Spaniards, who had rashly annexed Santo Domingo in 1861, withdrew from it in 1865. The last French bayonets were out of Mexico two years later. In the autumn of 1867 Russia, which was steadily expanding in Central Asia, relinquished Alaska to the United States. More than half a million square miles, for a trifling payment, thus passed from an Old World despotism to the lusty republic. And within a short time Cuba also seemed breaking away from its European moorings. News reached New York in the fall of 1868 that an angry revolt had broken out in the eastern end of the island under the leadership of a wealthy lawyer and planter, Don Manuel de Cespedes, whose high character, ability, and patriotism fitted him to be the Washington of the movement. It spread rapidly. A declaration of independence was issued October 10, 1868, at Manzanillo. Spain at the moment was in the throes of a revolution. The incapable Isabel II was being driven from the throne, and a dictatorship set up under General Prim and

Marshal Serrano. The outlook for Cuban independence seemed bright.

Most important of all was the revolution—for it was precisely that—in the constitutional organization of Canada. Fish had never been in Canada. But every American knew that it had long consisted of seven provinces, controlled as much by centrifugal as by centripetal forces. Quebec and Ontario,²⁰ the "United Provinces," possessed a common legislature and capital; proposals had often been made for a legislative union of the Maritime Provinces, New Brunswick, Nova Scotia, Prince Edward Island, and Newfoundland, but had come to nothing; British Columbia faced the Pacific in lonely grandeur. These seven colonies, though under the same crown, stood to each other almost in the relation of foreign states. Hostile custom houses frowned across their frontiers. They had no common system of weights and measures, no uniform banking system, no general postal service. Even their currencies differed. The evils of the situation were fast becoming unendurable; unless they were soon ended, the provinces would drift, in whole or part, into the eager arms of the United States.

Hence the importance of the steps taken in the years 1864-67. A few strong leaders like Charles Tupper and John A. Macdonald brought about a convention of all the provinces at Quebec in October, 1864; the drafting of a constitutional plan; the holding a year later of a supplementary Conference in London; and the passage by Parliament of the historic British North America Act. This statute, effective July 1, 1867, constituted the fundamental law of the new Dominion of Canada. Every American was aware that Confederation, if it proved successful, would mean a new epoch in Canadian history; that the American dream of a quick and easy absorption of the provinces would vanish. The Maine legislature passed resolutions of remonstrance in the spring of 1867. But expansionists still hoped that Confederation would never succeed. At first only four provinces joined hands—Ontario, Quebec, New Brunswick, and Nova Scotia—and even they had hostile minorities. Perhaps a great British Dominion would actually rise to the North; perhaps the whole scheme would rapidly break up.

On August 3, 1868, Fish, industriously answering letters, transacting business, and receiving visitors at Glenclyffe, celebrated his sixtieth birthday. He took a lively interest in Grant's campaign, contributing money and writing a letter to be read at a Union Republican meeting.

²⁰ Till 1867 of course called Upper and Lower Canada.

When September brought word from Elihu B. Washburne that additional funds were needed in Indiana and Pennsylvania—"in the former State the contest is desperate and doubtful, in the latter not as doubtful but only to be carried by great effort"—he met other wealthy New Yorkers at the office of Moses H. Grinnell. His friendship for Grant had grown, and he had invited him and Mrs. Grant to the wedding of his daughter Susan the previous spring. But he expected to round out his days with no heavier cares than those of the New York institutions with which he was connected. To him Lord Granville and Napoleon III, Dominican feuds and Cuban rebellions, Mexican politics and Canadian confederation, were but remote elements in the passing pageant.

He was soon to prove that life may begin anew at sixty.

WITH crash of brass and roll of drum, under a cold and cloudy sky, the Fifth Cavalry on March 4, 1869, escorted President-elect Grant, with General Rawlins, Speaker Colfax, and several staff officers, from his house to the Capitol. Remembering that Johnson had accused him of lying, he had refused to ride in the same carriage with the outgoing President. At the Capitol, just after high noon, Chief Justice Chase administered the oath of office, and Grant stepped forward to deliver his brief inaugural address. The spectators noted that he was reserved and restrained, colder in manner than ever before, as if deeply impressed by the weight of his new responsibilities.¹

Fish sat just behind President Grant on the platform built before the east portico of the Capitol. He and his wife had arrived in Washington three days earlier, and taken rooms (the entire second story of a commodious house) engaged for them in Twelfth Street by the proprietor of Wormley's Hotel. They knew Grant too intimately to miss the great occasion, while Fish wished to burnish some of his old friendships in Washington. At Representative John V. L. Pruyn's house he had dined with Justices Clifford and Miller of the Supreme Court.² He had attended President Johnson's final and most brilliant reception at the White House, with Harriet Lane, its mistress during Buchanan's Administration, among the five thousand guests. At the Capitol he had chatted with Republican leaders, while with three other prominent New Yorkers, Judge Hilton, William H. Aspinwall, and A. T. Stewart, he had spent some pleasant hours at Grant's and Sherman's headquarters.³

The press had repeatedly spoken of Fish as a possible Cabinet member. "The New Yorkers have ciphered the appointment from their State down to either Fish or Pierrepont," announced the Washington correspondent of the New York *Tribune* on March 2; and next day added, "The opinion tonight is that Hamilton Fish is to be New York's representative." But such reports were idle. Weeks earlier it had been inti-

¹ Louis A. Coolidge, *Ulysses S. Grant*, 274, 275; William B. Hesseltine, *Ulysses S. Grant*, 142-145; N. Y. *Tribune, Herald*, March 5, 1869.

² J. V. L. Pruyn's MS Diary, March 3, 1869.

³ Fish had taken a part, at Elihu Washburne's request, in raising Republican funds in New York during the campaign of 1868, and himself contributed generously; Washburne to Fish, September 15, 1868; W. E. Chandler to Fish, September 23, 1868. Fish Papers.

mated to Fish that he might be Minister to England, and he had replied that he desired no appointment of any kind. No one knew anything about the Cabinet, for Grant had refused to consult a single person, even—in most instances—those whom he intended to name! When politicians remarked that they wished they knew his choices, he grimly replied, “So does Mrs. Grant.”⁴

Like others, Fish was disappointed by the short inaugural address of some twelve hundred words. Upon this also Grant, whose worst fault later was that he took advice from almost everybody, had refused counsel from anyone save Adam Badeau of his staff.⁵ It was a naïve document, enunciating four or five simple ideas: that he would execute the laws; that he would pay the government debts in gold; that he would cause foreign nations to respect our rights; that the Indian problem required study; and that he favored the Fifteenth Amendment. It contained platitudes (“I know no method to secure the repeal of bad or obnoxious laws so effective as their stringent execution”), and one statement in dubious taste—“The responsibilities of the position I feel, but accept them without fear.” There were even puerilities, as when he asserted that Providence had given the nation means to pay the national debt “in the precious metals locked up in the sterile mountains of the Far West.”⁶ Few businesses in the country paid worse than Western mining.

That night, in the new Treasury Building, such an inaugural ball as Washington had never before seen curiously presaged the history of the next eight years. Pomp and display, with brilliant lights, decorations, flowers, and gowns, which somehow grew tawdry after a few hours had passed; animation and gayety at first, which as the crowds thickened until the dancers could hardly move became vexation and anxiety; a total want of management, so that when the guests struggled into the supper room many ladies lost their escorts in the jam, and finally sat down on the floor cold, hungry, and disconsolate; and an inglorious

⁴ When Grant visited New York a month before his inauguration, Fish wrote urging the general to stay at his house. “It would be exceedingly pleasant,” replied Grant, “but I feel a little hesitation about it because I have been pressed several times to stay at private houses there, and once accepted Mr. A. T. Stewart’s invitation but afterwards excused myself on the ground that I would have so many callers that I would not like to take them to a private house. I think under the circumstances that it will be better that we should go to the Fifth Avenue Hotel.” Grant to Fish, February 3, 1869; Fish Papers.

⁵ Adam Badeau, *Grant in Peace*, 161 ff.

⁶ James D. Richardson, *Messages and Papers of the Presidents*, VI, 68 ff.



LEADERS OF THE EARLY CABINET

Hoar, Fish, Cox

finale, when the press at the cloakroom prevented hundreds from obtaining their wraps and sent them home through the slush and cold without outer apparel! At ten o'clock the next morning nearly a thousand people were still clamoring for hats and coats.⁷ But Fish did not attend the ball. He had gone to the White House to congratulate Grant, that night he dined at Sumner's with John Lothrop Motley, and next day he and his wife returned to New York.

I

There he waited for the first acts of the new Administration from which everyone was hoping so much. Politically, Americans often fall into a naïve mood, but they have never been more naïve than in their expectations from this new régime. They anticipated from President Grant at least four great gains—a cessation of the unhappy bickering of Republican factions which had marked Johnson's strife-torn Administration; a termination of Southern disorders by a strong but mild hand in Washington; an efficient management of all the departments; and reform, vigorous reform. For each of these bright hopes they could assign reason. The Republican Party was united behind Grant; his military training had made him a stern exponent of order and discipline; he had administered the army with great decision and efficiency; and he had never associated with or liked mere politicians. That all these seemingly plausible reasons might be shivered into fragments by the brutal fact that a military training has no value whatever for the exercise of statecraft, and is indeed a serious impediment to it, never occurred to most Americans. Washington, Jackson, Wellington were all military heroes who had made strong civil executives; Grant's sagacity and force of character having sufficed to win the war, they must now suffice to make him a powerful President—so men argued.

Even an intellectual like James Russell Lowell wrote Leslie Stephen that he shared this faith.⁸ "Remember that Grant has always chosen able lieutenants. My own opinion is that the extreme Republicans will be woefully disappointed in Grant. If he should throw away his opportunity to be an independent President, he is not the man I take him to be. No man ever had a better chance to be a great magistrate than he." Oliver Wendell Holmes, after shaking the general's hand, wrote that

⁷ *N. Y. Herald, World, Times*, March 5, 6, 1869.

⁸ *Letters of James Russell Lowell*, I, 7.

never had he felt such an impression of power combined with modesty: "of entire loss of selfhood in a great aim, which made all the common influences which stir up other people as nothing to him." E. L. Godkin rejoiced on March 4⁹ that Grant had taken up arms against the cheap politicians, that he was about to cleanse the government of the unprincipled adventurers, jobbers, and speculators who had divided all the honors and rewards of public life, and that he would remodel the administrative machine "and make it really democratic." When keen and realistic observers spoke thus, plain citizens might well turn with confidence to the calm soldier of Appomattox. They were tired of bickering, and he had caught the national imagination by one sentence, "Let us have peace."

II

Unquestionably Hamilton Fish shared this hope. What he had seen of Grant, so uncommunicative, grim of jaw, and modest, had impressed him. But like everyone else, he was astonished on March 6 to read of Grant's first selections for his Cabinet: Elihu B. Washburne, A. T. Stewart, Adolph E. Borie, Jacob D. Cox, Rockwood Hoar, J. A. J. Creswell. If the politicians were taken aback, their discomfiture was nothing to that of Grant's well-wishers. The central objection to this original Cabinet was not that it lacked ability—though it had none too much; not that it would fail to work harmoniously—the members represented the same general ideas and there were no *prima donnas*; not that a single appointee was demonstrably unfit. The alarming fact was that it suddenly betrayed Grant as confused, uninformed, and groping. It was the Cabinet of an amateur, working without fixed principle, adequate information, or even a recognizable temporary plan. From Andrew Johnson came an effective gibe—"Grant's gift-enterprise Cabinet."¹⁰

The President's selection of Elihu B. Washburne for Secretary of State was plainly an impulsive gesture of gratitude. A fellow-townsmen of Grant, he had lived in one of Galena's handsomest mansions when the future general, clerk in a leather store, had dwelt in a shabby cottage perched on a bluff two hundred feet high. He had done much to make Grant—had invited him to Springfield in 1861, persuaded him to remain when he was ready to go home in disgust, and urged Governor Yates

⁹ *The Nation*, March 4, 1869, "The Men Inside Politics."

¹⁰ *N. Y. Tribune*, March 14, 1869.

to appoint him colonel when Grant modestly said: "I would rather like a regiment, yet there are few men really competent to command a thousand soldiers, and I doubt whether I am one of them." Later he had insisted that Lincoln appoint Grant one of the four brigadier-generals from Illinois. Early in the war he had "Grant on the brain," and believed him "the coming man." Payment of this debt by appointment to a suitable office would have been entirely proper. But Washburne, big, rumbling, uncouth, with a frontier sense of humor and no knowledge of history, diplomatic precedent, or foreign affairs, was totally unequipped for the State Department.¹¹ He would have made a good Secretary of the Treasury, for as head of the House Appropriation Committee he had won a reputation as financial watchdog. But it immediately appeared that, his health being infirm, he did not mean to stay in the Cabinet at all and was to become Minister to France!

For the Treasury Grant chose the New York department-store owner, A. T. Stewart. A well-reared Ulster-Scot, holding a Trinity College degree, he was a true gentleman; he was the nation's greatest merchant, with a fortune of nearly fifty millions; he bore a reputation for both integrity and generosity—he had sent a ship to starving Ireland in 1847, and had helped to alleviate Lancashire's distress in 1862. He had given Grant early support for the Presidency, had contributed largely to the campaign fund, and had been one of the principal donors of a \$65,000 house to Grant.¹² But his narrow business training was a positive disqualification for an office which required broad views of national economy; he possessed no knowledge whatever of finance or law, and had never shown statesmanlike qualities. Moreover, as the leading importer of the country he was obviously ineligible under Hamilton's law of 1789 creating the Treasury Department. Had Grant asked the advice of any public man familiar with the statutes, he would have been warned of an objection which dumbfounded him. Still more curious was the choice of Adolph E. Borie for the Navy Department. Not one American in a thousand had ever heard of him. He proved to be a wealthy retired merchant, enriched by the East India trade; an old-line Whig turned Republican, a high protectionist, and a founder of the Union League Club in Philadelphia. He had entertained Grant at his

¹¹ S. F. Bemis, Ed., *American Secretaries of State*, VI, 119–122.

¹² The very day before Stewart was nominated, he had handed Grant a check for \$65,000 in payment for this house, which was now to be turned over to General Sherman. *Nation*, March 18, 1869.

fine place on the Delaware, and been prominent among those who gave the general a house in Philadelphia. He knew nothing of the navy. Moreover, he was nearly sixty, in infirm health, and had never dreamed of the appointment till Grant announced it. He at once made it clear that he would quit the office as soon as possible.¹³

Fish read of the other selections with less disquiet. A better Secretary of the Interior than Jacob D. Cox could not have been found. A graduate of Oberlin, before the war he had shared with Garfield the leadership of the Ohio legislature. He had fought brilliantly at Antietam, and after the conflict he had won golden opinions by his "Oberlin letter" opposing immediate negro suffrage in Ohio, and his equally courageous efforts in 1866 to prevent a breach between President Johnson and the Ohio Senators and Representatives. A man of studious habits, versed in the classics, well acquainted with economic and political theory, he was also methodical and crisp in the dispatch of business. Ebenezer Rockwood Hoar, the new Attorney-General, was an equally intellectual figure.¹⁴ As a lawyer he had few superiors; for nearly ten years he had been a justice of the Massachusetts Supreme Court, and the State Reports were full of evidences of his skill and learning. Living in Concord, he adorned its circle by his literary culture and genial social qualities. Lowell relates in the *Biglow Papers* how he would spend a long morning in chat

Along 'the Jedge, who covers with his hat
More wit, an' gumption, an' shrewd Yankee sense,
Than there is mosses on an ole stone fence.

Creswell, the new Postmaster-General, was gifted and debonair, though of erratic judgment. A Marylander, a Radical follower of the late Henry Winter Davis, his appointment to Montgomery Blair's old place dramatically signalized the end of the Blair dynasty as a national power. He was a graduate of Dickinson College, and a good lawyer. Once he had electrified the House by rising to read a *written* speech!—and then making it so eloquent that hostility melted into applause. Succeeding Hicks in the Senate, for his was a meteoric career, he had quickly made his mark there. At the War Department John M. Schofield was kept over from the previous Administration. The nation knew

¹³ Cf. *The Education of Henry Adams*, 271 ff., for comment on the Cabinet.

¹⁴ No biography of Cox exists; for Hoar, see Moorfield Storey and Edward W. Emerson, *Ebenezer Rockwood Hoar: A Memoir*.

him as a gallant fighter, while of all the district commanders of the South under military Reconstruction, he had made the best record. But everyone knew also that he was a stopgap who would be replaced immediately.

The general verdict was summed up by John Bigelow: "Grant seems to have no comprehension of the nature of political forces. His Cabinet are merely staff officers, selected apparently out of motives of gratitude for pecuniary favors received from them."¹⁵ Friends had said that he had a special talent in choosing lieutenants—and his first task was to reconstruct a bungled Cabinet. As he began, the politicians closed in. He asked Congress to pass a joint resolution exempting A. T. Stewart from the operation of the law, while the merchant hurriedly offered to relinquish all profits during his term of office. But Sumner advised the Senate not to suspend a sensible statute precipitately, and protectionists who feared Stewart's low tariff views tacitly joined hands against him. When Grant's effort failed, the spoilsmen rallied for a charge. They knew that the Treasury and Postoffice offered the richest prizes. From the beginning their candidate for the former had been George S. Boutwell of Massachusetts, a Radical Republican conspicuous in the impeachment of Johnson and the harshest Reconstruction measures. As head of the Internal Revenue Bureau—one of the greatest sinks of iniquity to be found in any nation on earth, for a fourth of the revenue was regularly stolen, though that was not his fault¹⁶—he was familiar with one branch of the Treasury; but he possessed no broad financial knowledge. The Boutwell "movement," a heavy political thrust, took Grant unprepared, and was successful. This in turn threatened Attorney-General Hoar, for two Massachusetts men in the Cabinet seemed excessive. The politicians talked of turning him, easily the strongest man in the original Cabinet, out into the cold.¹⁷

Meanwhile, Washburne was telling everyone that he had been appointed for a few days only. Reporters learned from Adam Badeau, who had an office in the White House, that the President had planned to give the place to James F. Wilson of Iowa, a hard-working, high-minded man. But this plan now went agley. Wilson had tentatively accepted upon condition that Washburne should neither make appointments nor initiate policies, and was irritated when reports reached him that

¹⁵ John Bigelow, *Retrospections of an Active Life*.

¹⁶ *Nation*, March 18, 1869.

¹⁷ *N. Y. Tribune, World, Times*, March 7-16, 1869.

Grant was preparing nominations in consultation with Washburne. Moreover, he realized that he had no private fortune to meet the social expenses, and lacked special equipment for the office.¹⁸ He therefore declined. Grant had induced Borie to remain temporarily, and intended to replace Schofield at the War Department by his old chief of staff John A. Rawlins.¹⁹ But who should be Secretary of State?

III

On March 11 Fish was at work in his New York house when two letters, marked "urgent," arrived; one from the President, the other from Secretary Washburne. That from Grant, dated March 10, was as casual as an invitation to tea.

It has been my intention for some months back to offer you the position of Minister, etc., to England when the time came. Now, however, owing to my inability to secure the great services of Mr. A. T. Stewart in the Treasury Dept., I will have to make another selection of Cabinet officer from New York. I have thought it might not be unpleasant for you to accept the portfolio of the State Dept. If not will you do me the favor to answer by telegraph tomorrow to the effect that you will be in Washington soon.

Washburne wrote that he had intended from the beginning to leave at an early date. He wished to resign next day and to quit office on the 20th; and he hoped that Fish would accept, for "you have exceptional qualifications for the position."

Fish hurriedly consulted his wife, and telegraphed: "I cannot. I will write this afternoon and explain why." He at once wrote Grant: ²⁰

I feel most profoundly grateful for the tender of the high position you have been pleased to offer. Nothing would give me greater pleasure than to be associated with your Administration, and to give you the best of my humble abilities to aid in advancing the high objects which are the aim of your thoughts and hopes, and to which the country looks hopefully and confidently for the inauguration of a new era in the Government—an era of honesty, economy, and fidelity.

But there are pressing private and family considerations which oppose a removal to, or a residence in, Washington. My wife's health forbids it in the

¹⁸ A memorandum from Wilson on the subject is in the Fish Papers.

¹⁹ Rawlins, originally slated for a command in Arizona, where the high dry air might check his tuberculosis, demanded the War portfolio—and early death; James Harrison Wilson, *The Life of John A. Rawlins*, 351.

²⁰ Fish Letterbooks.

present emergency—nor can I see the prospect that it will allow it within the time named by Mr. Washburne. Therefore I was obliged to decline the high honor you so very kindly placed before me.

Be assured, dear General, that no time will efface my grateful appreciation of this very unexpected, not to say very undeserved mark of your confidence and friendship.

Actually the "family considerations" had little weight. While Mrs. Fish had been ailing for four or five weeks and could not think of removing to Washington in the near future, this was a trifle. The fact was that Fish, regarding his public career as closed, was loath to reopen it. He never cared for office as a means of gratifying either vanity or sense of power. Far from feeling the craving for notoriety which keeps many men before the public, he preferred obscurity. He waited for a sterner appeal to his sense of obligation than Grant's insouciant letter offered.

But Grant, mortified by the criticism of his fumbling, was anxious to retrieve his ground by bold measures. Moreover, he still believed in naming men without waiting for their acceptance. His military mind regarded appointments (and dismissals) as a prerogative of command, to be obeyed without question. At noon on March 11, he sent the nominations of Fish, Boutwell, and Rawlins to the Senate. The result was that Fish had hardly finished his telegram before messages of congratulation began to arrive. One of the first came from Senator E. D. Morgan of New York. Meanwhile Grant was writing a more urgent letter, which he sent by his military secretary, Orville E. Babcock:

Not receiving your dispatch until about 1:30 P. M., I sent your appointment of Sec. of State to the Senate. Immediately on its receipt, however, I sent to withdraw but was too late. Let me beg of you now, to avoid another break, to accept for the present and should you not like the position you can withdraw after the adjournment of Congress. I send this by the hands of Gen. Babcock who will more fully explain.

Fish would still have refused but for a confidential message which Babcock brought, and above all for Mrs. Fish's urgings.²¹ She believed it his duty to take the place, and he took it. Expressing distrust of his own capacities, and adding that his wife would probably not be able to come to Washington before fall, he wrote Grant that he must therefore "reserve the permission held out in your letter that I can withdraw after

²¹ Adam Badeau in *The Forum*, November, 1893.

the adjournment of Congress." But he promised to arrive at the earliest possible moment.

The appointment was received with general cordiality. Politicians, according to the *Tribune's* Washington correspondent, were chilly; Fish was not a "representative Republican" like Boutwell. But the press was highly complimentary. It pointed out that while men might be found more expert with the weapons of diplomacy, it would be hard to discover another who met so many of the requirements of the place. Cultivated, travelled, speaking four languages, Fish possessed a broad international outlook. Having held aloof from politics for ten years, he need not fear—at least for a time—that factional enmities would cripple him in dealing with the Senate and politicians. Possessing wealth, lineage, and a hospitable temper, he had a rich experience in the social art. Evarts wrote him that he had urged the appointment from the beginning.²² An unexpected endorsement came from the *Democratic World*. Fish, it remarked, might not be a brilliant leader; "but he is, beyond all controversy, one of the most estimable, most judicious, most upright, and most respected citizens of this State or this country." It mentioned his learning, official experience, and mental vigor; his weight of character, grace of manner, and devotion to educational, religious, and charitable institutions, which "place him by universal consent in the very first rank of good citizens." And it declared that, having a reputation which disarmed criticism and "an exhaustless fund of good will to draw upon," he was secure of indulgence while he learned his trade.

Fish certainly had some limitations; but he could give the State Department virtues more valuable than political strength—cautious good sense, moral elevation, and a pacific temper. Various enemies of William H. Seward seized the opportunity to gird at that sometimes indiscreet predecessor, now retiring to Auburn. "Yours will be the rare happiness," wrote John Jay,²³ "of restoring to the national character as represented by the State Department the high-toned dignity and noble principle which marked the diplomacy of the Revolution, but which during our recent troubles, when they should have been equally conspicuous, were exchanged for the low-toned and shuffling policy that for eight years has complicated our difficulties and compromised our honor." Fish knew how devotedly Seward had served the nation as head of the State De-

²² William M. Evarts to Fish, March 12, 1869; Fish Papers.

²³ John Jay to Fish, March 12, 1869; Fish Papers.

partment. But he was pleased by the suggestion that, with a background which recalled Federalist days, he would show greater regard for the traditions of the republic; that with his ripe experience and love of conciliation he would manifest more prudence. He made it clear to various friends that he would ask their counsel. One was Sumner, now chairman of the Senate Foreign Relations Committee, to whom he wrote: ²⁴

Very much against my wishes, and after a very positive refusal, I am going to Washington to undertake duties for which I have little taste, and less fitness. In yielding, I hoped that I could rely upon your friendship and your experience and ability, for your support and aid to supply my manifold deficiencies. My name was sent to the Senate without my knowledge. . . .

I expect to be in Washington on Tuesday morning, but go with a heavy heart, and with unnumbered misgivings, and at the sacrifice of personal ease and comfort—without my family, and without any reasonable prospect of my wife being able to join me. I make this sacrifice on the most earnest appeal “not to allow another break,” etc. I hesitated long to reverse my decision, and if I was wrong in yielding. God knows that I did it reluctantly, and because the reasons presented seemed to me to affect high interests.

I want to see you. I expect to be at the Ebbitt House on Tuesday morning; possibly I may be expected to be at a Cabinet meeting on that day. Can you come to see me before it may be necessary to go?

IV

Thus Fish, who was to remain in Grant's Cabinet longer than any other member, went to Washington expecting to stay but a few months.²⁵ But this expectation did not endure long. He took temporary quarters at the Ebbitt House. At the end of the month he resigned his presidency of the New York Historical Society and chairmanship of the trustees of Columbia College. On April 3rd he wrote his wife that he would remain indefinitely. “I would very gladly be out of it, but there is no more reason now for my getting out than there was for staying out. I have been embarrassed by some things done before I came here; by some incautious commitments of the President which will make me responsible before the country for some things I would prefer should

²⁴ March 13, 1869; Fish Letterbooks.

²⁵ He seems to have thought of his friend Edwards Pierrepont, whom Grant knew and liked, as a possible successor. He and Pierrepont had a confidential talk on Sunday, March 14. On the 16th Pierrepont wrote him: “It is quite possible that after two years of toil in hot and dusty Washington you may wish to repose for two years more in England. If the idea strikes you well and England is not disposed of I would like to renew our confidential interview. I leave it all with you.” It may also be that Pierrepont, a pushing though capable attorney, was simply urging himself for the succession.

be very different from what they will be. But I am 'in for it' and must take the consequences." He hoped to save Grant from additional commitments, and he rapidly found his labors too responsible to be dropped.

On March 16 he attended his first Cabinet meeting. On March 18, after two days spent in mastering the operation of his department, he made the first entry in a careful record kept throughout his term of office.²⁶ This journal was intended primarily as an official minute book, to be referred to if any question arose as to his words or acts; it was precisely such a diary as James K. Polk had laboriously kept during his Presidency. Only in secondary degree was it intended as a narrative of personal experiences for posterity, and it was not at all a literary undertaking. At first it was singularly lacking in color. Yet diaries have a way of growing, and Fish's jottings slowly became fuller, more personal, and more vivid. The entries for the first day were commonplace enough. The French Minister called about a trademark treaty. The Prussian Minister called about a private claim, and declared that Seward had treated him rudely. The anteroom was thronged all day by Congressmen, Senators, and political deputations demanding offices; for the rest, only the Danish and Turkish Ministers.

But these Danish and Turkish Ministers learned something of the character of the new Secretary of State. The former, Mr. De Bille, referred to the pending treaty for purchase of the Danish West Indies, and declared that since Seward had invited the negotiation, the United States was in honor bound to ratify it. Fish bluntly denied this; the government was not bound in any way until the treaty was ratified. Turkey's cultivated diplomatist, Blaque Bey, was worried lest the United States recognize the independence of Rumania, while he also alluded to the Turkish arrest of an American named Canfield and an Englishman named O'Reilly, who he said was a natural son of Lord Palmerston. The American Minister had claimed extraterritorial rights for Canfield. When Blaque Bey remarked that such rights could not be allowed even to the older countries of Europe, which had superior claims, Fish's tall figure suddenly stiffened. "May I," he demanded, "be informed on what grounds European subjects have any higher right to consideration than ours, or any claim to better treatment?" Blaque Bey showed confusion. "You will pardon me for the inquiry," Fish went on sternly, "but I cannot allow your remark to pass without expressing

²⁶ Preserved in seven large volumes, ledger size, in Fish Papers.

the hope that the claims of American citizens shall never be regarded as in any degree inferior to those of the citizens of older nations.”²⁷

Fish exhibited characteristic caution in the selection of an Assistant Secretary of State. He thought highly of J. C. Bancroft Davis, who had applied for the office. Davis, who owned a modest estate near Newburgh, had been Assemblyman from Orange County and was a lawyer of ability. Being a son of Governor John Davis (“Honest John”) of Massachusetts, and a nephew of the historian George Bancroft, he had family background, and after leaving Harvard he had been secretary of legation in London.²⁸ Outwardly of imposing dignity and somewhat chill manners, he possessed intense loyalty of feeling. He loved society, and for all his Victorian moral austerity, was a man of the world. The sole objection was that he had been director and attorney for the Erie Railroad while Jay Gould and Jim Fisk employed its credit in shocking financial operations. Fish questioned him closely. Davis explained²⁹ that he had known nothing of Fisk’s and Gould’s manipulations until he read of them in the newspapers—that he had prepared to resign as director, but had been dissuaded by honest stockholders and had remained in an effort to protect them; and others corroborated this explanation. Dorman B. Eaton, who had also been counsel for the Erie, certified that Davis had acted with the most honorable motives; that when Fisk and Gould usurped control, it had been important that men of character stick, so that if the courts ejected the plunderers, the honest directors would be left in power.³⁰ Perfectly satisfied, Fish proposed Davis’s name to Grant, and late in March he was installed in the State Department. He proved a happy choice.

V

Most of the first month was devoted to making up the slate of ministers, consuls, and secretaries of legation. Alarmed by the frantic office-seekers and Grant’s complaisance, Fish tried to arm himself against the worst spoilsmen. He inquired into new applicants. He wrote David A. Wells, Special Commissioner of Revenue, for advice upon old incumbents. Wells returned a list of really able consuls, men who had

²⁷ Diary, March 18, 1869.

²⁸ The Bancroft Davis Papers in the Library of Congress form a valuable collection.

²⁹ Davis to Fish, March 12, 14, 1869; Fish Papers.

³⁰ Eaton to Fish, March 14, 1869; Fish Papers.

performed important services during and after the war.³¹ He also threw out some interesting obiter dicta. Our minister at Brussels had been the only one in the whole service "who lives in that style which is truly becoming our position as a nation." He wished that the consul at Shanghai might be made Minister in Peking—he would be far better than "that mountebank Ross Browne, whom I regard as a humbug of the first magnitude." He thought that our interests abroad would never be properly looked after "if we renew the practice of removing faithful and efficient officers merely because some politician desires their post and its emoluments." He suggested a stricter accounting for consular fees.

For a time the pressure was fearful. "The cry is, Still they come!" wrote the *Tribune's* correspondent. "Last night's train brought thirteen carloads of hungry men after offices from the East. Tonight's train was but a repetition of last night's." Politicians in throngs urged men "of doubtful reputation," as the newspapers said whenever it was not at all doubtful. One of Fish's friends, the veteran lobbyist Sam Ward, likened the period of appointments to the rutting season among stags, with the decencies and amenities of civilization entirely forgotten. During the Secretary's first six weeks his office was sometimes visited by four hundred men a day asking for places or retention in the foreign service, and the written appeals, recommendations, and protests rose in windrows. President Grant fell an easy prey to designing men. Two of the early diplomatic appointments in particular shocked men—William A. Pile of Missouri as Minister to Brazil and J. Russell Jones of Illinois as Minister to Belgium. The former was a Methodist ranter, the latter a personal favorite. Jones had lived in Galena for twenty years, and was uncle of Orville E. Babcock, Grant's secretary. Now a citizen of Chicago, where he had entertained Grant, he had no visible qualifications.³² "Can anyone give us some information about Mr. Jones?" asked Sumner. "Well," replied Oliver P. Morton, "Mr. Jones is about the most elegant gentleman that ever presided over a livery stable." Pile was rejected, Jones kept waiting.

Indeed, Grant had made innumerable promises of legations and consulates, and there descended upon Fish a shower of white cards—the President did not take time to write letters—with scribbled notations:

³¹ Wells to Fish, March 31, 1869; Fish Papers.

³² Claude G. Bowers, *The Tragic Era*, 240.

"Coxe, Leghorn," or "John W. Fuller, Toledo, O., recommended for consul to St. John, N. B." A sheaf of them remain in the Fish papers.³³

Even the finest spirits in Congress joined in the clamor for offices; men like William Pitt Fessenden, who wrote Fish querulously of a certain post that "the President promised me that he would keep the matter open until I had been heard upon it," that "I have since made two efforts to see him, but failed on both occasions," and that "I consider myself entitled to some consideration from the President from my age and standing in the party, and I do not like to be overridden." Fessenden added: ³⁴ "If Mr. Sumner's wishes are important, I think mine are worthy of notice." Carl Schurz, lifelong opponent of spoilsmen and apostle of purity, sent Fish on May 18 a piteous letter: ³⁵

This will probably be a long letter, but if you value the peace of your mind, read it. The poets exhaust all the resources of a gloomy imagination in picturing the terrors of a troubled conscience. I never understood them fully, but now I do. I know what the Furies are and the head of Gorgon. I indulged in the pleasing delusion of having escaped all the anguish and tribulation of office-seeking, when I had shaken the dust of Washington from my feet. How I enjoyed the undisturbed contemplative repose of forty-eight hours of railroad travel! How eagerly I sought the quiet sameness of my accustomed occupations, walking from my house to my office, and from the office to the house with all the happiness of an untroubled contentment! Alas, I was mistaken. It was all a delusion. One morning—it was on the second day of my arrival here—as I turned a street corner, with a light heart, thinking of no danger—what should I behold? Before me stood Lindeman, the unfortunate applicant for a consulship, who was sacrificed to keep Genl. Asterhaus in his place. He pierced me with a sad reproachful glance;—he spoke and what did he speak of? Of services rendered, of claims slightly disregarded, of hopes recklessly excited and cruelly dashed to pieces. Of all this he spoke with the terrible eloquence of injured virtue, of bitter disappointment. I struggled wildly against the grim grasp he had on me. How did I shake it off? Heaven knows how. I ran for my life. I reached the quiet asylum of my office—safe, as I vainly imagined. Lo! There sat in my chair, waiting for me, the equally unfortunate Baker, who would have had his consulship, had not just at the decisive moment, a scamp poured his villainous calumnies into the unsuspecting ear of the Secretary of State. There the disappointed man sat in my chair, with cruel and

³³ One, undated, reads: "I will be willing to give the bearer, Mr. Brewster, one of the best consulates now vacant. I have known Mr. B's family for many years, quite favorably." Apparently the procedure was to drop in at the White House, remind Grant of *auld lang syne*, get one of the scribbled cards, and present it at the State Department—as at a teller's window—as a voucher good for one diplomatic office.

³⁴ March 29, 1869; Fish Papers.

³⁵ Fish Papers. It will be noted that Schurz endorsed *Pile I*

cool patience, waiting for me, his victim. Had I indeed left Washington without securing justice in the shape of a first class consulship to so meritorious a man? What could I answer? I was very miserable. No plea but one for pity. At last this trial too went over. I was alone again. I felt my equanimity slowly returning. I tried to bend my thought upon more cheerful subjects. Suddenly I heard a sharp knock, and through the open door appeared the gray head of Pile. My blood ran cold. Shall I describe to you the tortures of that interview? I have supped full with horrors. Let me not harrow you up with the dreadful recollection.

Since then the repose of my mind is gone. No rest for me. The Furies are inexorably dogging my fugitive heels. The hue of health has left my cheeks, and my body is dwindling. . . . I cry to you for relief. What do I want? "Post-offices!" Petroleum Nasby would say. "Consulships!" say I. As the victim of misapplied decency, I cry to you. It is the cry of unrewarded, nay of punished virtue. Any consulship in France, Switzerland, Belgium or Germany (salaried, of course) for Lindeman. Rio de Janeiro, which, as I am *reliably* informed, is soon to be vacated, or Antwerp or something of the same rank, for Baker. As for Pile, we are trying to place him in the revenue service, but should we not succeed, I shall be down upon you for the consulship at Honolulu, or the Governorship of New Mexico.

Can you refuse to listen to a prayer so full of anguish? The peace of my life is in jeopardy. Can you refuse? If you should, mark the inevitable consequences. Next winter I shall return. When I sit again at your hospitable table, or when you sit at mine, which, I hope, will not unfrequently be the case, you will in the midst of genial conversation suddenly see a dark cloud settling upon my face, such as might be seen on the face of a man who is startled by the vision of a ghost,—and you will have to say to yourself: "The apparitions of the disappointed is rising before his eyes and torturing his soul, and this is my work!" . . . Mark my words. Do you want to escape? There is but one way: Come down!

Old military comrades of Grant's were thicker than blackberries, and Fish could only try to satisfy the most dangerous men with minor positions. He knew Daniel E. Sickles, whose effective services as campaign speaker required some reward, all too well—wouldn't Sickles like to go to Mexico City? ³⁶ Unfortunately, Sickles would not; he demanded a European legation.

Yet the chief appointments proved surprisingly good. George Bancroft remained in Berlin, as distinguished a representative as the republic could have sent to a land which admired laborious scholarship. George P. Marsh, another eminent scholar, steeped in the litera-

³⁶ Fish to Sickles, March 30, 1869; Fish Letterbooks.

ture of both northern and southern Europe, was kept at the court of Victor Emmanuel. John Jay, grandson of the Revolutionary statesman and long a prominent anti-slavery leader, was sent to Vienna, while John Lothrop Motley was slated for England. "They could hardly have been improved on," wrote Godkin,³⁷ "though of course it would be easy to suggest changes for the better in both gentlemen if human nature were to be made over." Andrew G. Curtin, war governor of Pennsylvania, was made Minister to Russia. When Grant failed to gratify Horace Greeley's ambition for an important position, the great journalist betrayed disappointment. "You know," he wrote Fish later,³⁸ "that *outside of two or three high places long since disposed of*, there is no office under the government that I would accept." But one capable editor, Horace Rublee of Wisconsin, was made Minister to Switzerland.

VI

At the moment Fish took office, little attention was paid by the press to foreign affairs. All interest was concentrated upon home politics. But if the skies had seemed fairly sunny in Seward's last months, suddenly they disclosed driving clouds.

From Cuba came news of heavily increased fighting. Dispatches on March 8 told of an engagement near Puerto Principe between 4,000 rebels and 1,500 Spanish troops, and on subsequent days of raids and skirmishes.³⁹ Definite information was hard to obtain; not a single American newspaper had a correspondent near the scene of operations. No one knew whether the rebels had any organized command, what popular support they could rally, or whether important battles were near. Spain was sending out more troops. But its government was in confusion, with General Serrano as figurehead and the bold military gambler Juan Prim (a butcher's son who had risen to power by audacious steps) as actual ruler. Nearly bankrupt, clutching at Shylock-loans from the Rothschilds, it faced the gravest social and political problems at home. It was in a weak position to cope with a colonial war. As the Administration began, Cuban sympathizers intensified their efforts to bring about American intervention. On March 17 the House Foreign Affairs Committee, under the flighty Nathaniel P. Banks of Massachusetts, discussed the question, and authorized the chairman to

³⁷ *The Nation*, April 15, 1869.

³⁸ Greeley to Fish, April 15, 1869; Fish Papers.

³⁹ *The N. Y. Tribune and Herald*, March-May, 1869, had the best Cuban news.

call upon Secretary Fish for information. The Washington correspondent of the *Tribune* understood "that General Grant is aware of the importance of an early acquisition of Cuba, and any other territory that is contiguous to the United States, but will not adopt any measures to that end unless Congress clothes him with ample authority to do so."

Again, on April 1 the New York *Nation* devoted its leading editorial to "The Danish Muddle." Seward's treaty with Denmark for the purchase of St. Thomas and St. John for \$7,500,000 had fallen into hostile Senate hands, and Danish anger was rising. Plans for the annexation of Santo Domingo were being revived, and Banks had his House Committee discuss that also.

Above all, the cloud labelled "Alabama Claims," once no larger than a man's hand, began to belly up blackly. It was certain that the Senate would reject the pending Johnson-Clarendon Convention for settlement of the claims, another bit of Seward's handiwork; it had increased rather than mollified American resentment, and many journals were denouncing it angrily. The New York *Times* was declaring that but for England's acts our Civil War would have ended at least a year earlier, and the *Tribune* thought this too modest an estimate. At frequent intervals the *Tribune* was suggesting that if England would cede Canada to the United States, first gaining the consent of its people, Washington would accept, agree to revise international law by removing the *Alabama* precedents from it, and restore relations to a basis of mutual good-will. The *Spectator*, friendliest of British weeklies to America, pronounced this suggestion "a gross attempt at plunder." Anglo-American relations would require cautious handling, particularly since they might be affected by events on the Continent, where the Franco-Prussian rivalry constantly threatened war.

At the end of March, Secretary Fish leased for \$6,000 a year the house of ex-Senator E. D. Morgan of New York; standing at the corner of Fifteenth and I Streets, it was five minutes' walk from the White House. The Senate did not close its extra session until late in April. On the 22nd of that month Secretary and Mrs. Fish moved into the Morgan house, and took up their social duties. He had become intensely interested in his work, and had written Bellamy Storer of Cincinnati in terms implying that he would remain indefinitely.⁴⁰ The responsibility

⁴⁰ Fish to Storer, March 29, 1869; Fish Letterbooks. In this letter he threw out some remarks on the international situation. "England is under bonds in the penalty of her

was heavy, but he would not shirk it. "I feel how much I shall need of the sympathy and of the charity of my friends and of the public, and above all how little even the utmost sympathy and charity they may be disposed to extend to me will avail without support from a higher power than this world can afford."

entire commercial marine to keep the peace. If she were less rich, or (more properly) less fond of riches, she would relieve herself, or might once more attain something of her former controlling power over the politics of Europe; but while the Alabama Claims, so-called, remain unsettled, the other Powers will heed her position and views less than it may be our wish, in some contingencies, she might be able to command for them."

FISH had no breathing-space, no time for preparation, when he unexpectedly took charge of the State Department. Some Secretaries enjoy a halcyon calm of four years; but he had scarcely put his desk in order, he had not mastered his clerk's names or learned one Latin-American Minister from another, before he was in the midst of stormy issues. The *Alabama* question roared down upon him. It was followed instantly by the Cuban problem. Before he had fairly grappled with them, and while Washington was still sweltering under summer heat, Santo Domingo was demanding attention. He rose with confidence, with a new sense of latent power, to these responsibilities; Congressmen wondered as they saw the tall figure, erect and alert as a man of forty-five, step out of the carriage which whirled up to the old Orphan Asylum that housed the State Department. Here was an Unknown who had suddenly emerged as one of the strong men of the country. But to be pitchforked into this boiling cauldron of international affairs was a grim test. The strain was not lessened by the fact that Fish had simultaneously to adjust himself to Cabinet members whom he had never before seen, and to appraise Ulysses S. Grant with cautious and puzzled eye.

Indeed, one of his first and most imperative tasks was to try to penetrate that great national enigma, the President. Even today Grant is partly an enigma; then he was wholly so. Men waited—and hoped. The “tidal wave of expectation,” as Henry Adams called it, remained full for months. Americans expected the President to give bold orders, to reawaken the idealism of wartime, to lead the march against entrenched evils. Civil service reform was needed, as Representative Jenckes pointed out; tariff reform, as Commissioner Wells explained; financial reform, as Secretary McCulloch had argued; above all, a reform of the Southern policy. Would Grant fight it out on a constructive line if it took all summer? His friends were making lavish promises. Schuyler Colfax said at Providence in June that the word Honesty was already written upon the Administration in letters of glittering light, “the cornerstone upon which its policy is securely grounded.” It took the *Crédit Mobilier* scandal three years later to teach people that Colfax did not regard honesty either as a glittering light or a cornerstone. But

meanwhile, what of Grant? A host were ready to rally behind him. Fish waited and watched like the others.

I

At the first Cabinet meetings Grant seemed to take a cautious and moderate attitude in foreign affairs. On March 19 Fish read a letter from James Watson Webb, Minister to Brazil, upon the possibility of purchasing French Guiana, and Grant sensibly decided that no action was necessary. That same day the Cuban question came up. The revolutionary Junta maintained bustling headquarters in New York, with José Morales Lemus in charge. Fish knew Lemus for a man of ability and character—for years a prominent Havana lawyer, a tribune of the people who had once gone with a liberal deputation to Madrid to argue the needs of Cuba; he was making a strong impression in New York. A few days earlier the press had announced that President Cespedes of the Cuban "Republic" had appointed him Minister to the United States. Referring to this, Grant asked if any notice had been received at the State Department, and Fish replied, "None." A five-minute discussion ensued. Fish wrote afterward in his diary: ¹

"Caution [was] agreed to be necessary in this matter. Cox referred to the delicacy and kindness due to Spain now that she is engaged in liberating her institutions. President referred to distinction between 'Old Spain' and 'New Spain.' 'Old Spain,' he remarked, had hastened to recognize the Confederates. Rawlins (not very distinctly) seemed inclined to lean toward an easy recognition of the insurgents. Boutwell stated that in the financial aspect, it must be remembered that we draw upwards of \$30,000,000 of import duties from Cuba; an important item, he thought, in the present condition of the Treasury and the present taxation." So far, so good. Unfortunately, Secretary of War Rawlins was soon to be more "distinct" in favoring recognition.

Four days later Fish brought before the Cabinet the pending treaty with Denmark. The members were well acquainted with this negotiation, a history full of embarrassment and, if the President had but realized it, pregnant with warning.² Shortly before Appomattox, Secre-

¹ Diary, March 19, 1869. In the interests of the general reader, and in defiance of pedants I have altered "&" to "and," "Pres." to "President," and so on in quoting passages from the diary. But I have altered nothing else.

² Treated fully in C. C. Tansill's admirable monograph.

tary Seward had opened discussions with the Danish government for the purchase of St. Thomas and St. John. The war had shown the desirability of a naval station in the West Indies, and President Lincoln wholeheartedly approved the plan. The Danish government at first seemed unfavorable. The kingdom had been mutilated by the war with Prussia and a further diminution seemed humiliating; while the Ministry feared French and British displeasure. But three years of intermittent pressure by the State Department, together with financial need, finally resulted in an agreement. By a treaty signed at Copenhagen in 1867, St. John and St. Thomas were to be sold for \$7,500,000 if the inhabitants consented; and the plebiscite proved overwhelmingly favorable. Seward had told the Danish negotiator, Raasloff, that the Executive could count upon Congressional coöperation so long as the procedure had been correct in form; but the Senate now failed to ratify the treaty. In some humiliation, Seward obtained an extension until October, 1869. The Rigsdag had assented to the treaty, Denmark had proclaimed the approaching transfer of the islands, and the inhabitants had rejoiced in the prospect. Nevertheless, the United States, after pressing a reluctant government to agree to the sale, had at the last moment refused to accept delivery. Could anything be said in defense of the Senate?

As Fish implied in his sharp contradiction of Minister De Bille, much could be said. Seward had conducted the negotiations with great secrecy, alleging that this was necessary to avoid British or French interference. Raasloff, who had lived in the United States as engineer, consul-general, and Minister, spoke English perfectly, and was familiar with our politics, knew that the Senate had a moral as well as constitutional right to reject the treaty; a right enhanced by the secrecy. When Raasloff begged Fish to have the treaty adopted as an Administration measure, the Secretary had given him no encouragement.³ Now, as the diary informs us, Grant again showed a reassuring caution: ⁴

I stated Mr. Raasloff's request that the Administration should take up and urge ratification of the Danish treaty. President seemed wholly averse; did not like these purchases. Secretary of War inclined to favor the treaty. Cox referred to the delicacy of the situation of Denmark in consequence of the treaty.

³ Fish dined with Raasloff on March 19 and discussed the treaty informally; Diary.

⁴ Diary, March 23, 1869.

Hoar referred to the popular vote as embarrassing the question, and as having been insisted upon by this government. I corrected him and stated that we objected from the beginning to that, and the negotiation was long suspended and at one time broken off upon it, but that at the last moment Seward yielded it. I also presented (as the only consideration operating with me in favor of it) the fact that Denmark was poor; her Treasury nearly empty, [and] in debt; that the purchase money was nearly equal to a year's revenue, and that if our negotiation was broken off, Denmark in her necessities and in view of the condition of the islands by reason of their vote to be separated, might be induced to sell them to some Power into whose possession we might not be willing to let them pass. It would be difficult for us to remonstrate, and we might not be willing to acquiesce.

I further stated what Raasloff has mentioned this morning, that intelligence has just now been received that the government of the islands, in the exercise of a legitimate authority under their laws, had expelled an American from the islands, and that the American consul had protested, etc. Raasloff thought such troubles would recur.

The President decided not to urge the ratification, but leave it to the Senate, X to whom the treaty had been regularly submitted, and let them exercise their proper power, without interference from the Administration.

It was certain that the Senate, thus left to itself, would do nothing and let the treaty lapse. Many Senators, fond of Raasloff, and believing that outright rejection would mean his political ruin in Denmark, preferred thus to let it die a lingering death. When next day the general sadly asked Fish if the Administration would not at least request a further extension of time, the Secretary said he thought not.⁵ "What shall I say to my government?" asked Raasloff. "Say," replied Fish, "that we entertain the most friendly feelings for Denmark, and the warmest affection for you personally."

One reason why the Danish islands were waved aside was that, as the *Tribune* said, they were mere fly-specks on the globe, for which \$7,500,000 seemed a high price. Many wanted larger game. Indeed, now that Alaska had been purchased, ideas for territorial expansion filled the air. Signs appeared on every hand of a veritable fever for fresh acquisitions, no matter where or how gained, or what their moral effect upon the remainder of the country. This was natural. The nation had emerged from the war conscious of titan strength; it had placed in power a highly popular leader; industrially and agriculturally, it had made giant strides under the most adverse circumstances; the recent fears of

⁵ Diary, March 24, 1869.

a financial convulsion had vanished; before it stretched a boundless future. Canada was viewed the most longingly, but Cuba and smaller islands were also eyed greedily. The United States had added to its domain in 1803, in 1819, in 1845, in 1848, in 1853, in 1867; was it now, when stronger than ever, to halt? "We have evidently entered once more upon a period of annexation," lamented E. L. Godkin in the *Nation*.⁶ Within a few days an expansionist scheme had been broached at the State Department itself, but, as Fish believed, very happily shelved by President and Cabinet.

On April 5 Fish found at his office Joseph Warren Fabens, whom others might have identified as a New Englander by birth, an agent of the State Department under Secretary Marcy, and an adventurer who had been interested for years in Santo Domingo. Of his character we shall subsequently say more. Sitting down, he astonished the Secretary by drawing from his frock coat a memorandum purporting to be from the Dominican Government, which proposed annexation to the United States, with full "entrance into the American Union as a free and independent State." Fish knew that various men had been interested in such a scheme. Andrew Johnson and Secretary Seward had favored it, and Nathaniel P. Banks had recently brought forward a bill for a protectorate which, before dying, evoked a good deal of Davy Crockett spread-eaglesism in the House.

With a chilly air, the Secretary asked Fabens for his authority. He replied that he was a confidential agent of the Dominican Government, with a duly-executed commission. "Well," remarked Fish bluntly, "I am not inclined to entertain this scheme favorably." He curtly explained that Congress was too near its close to deal with any such plan; that he had neither time nor inclination to take it up; and "that my impressions are against it." Fabens departed.⁷

At the Cabinet meeting next day, Fish spoke of Fabens' proposal. Everyone knew that the majority in Congress had been chilly to Johnson's recommendations and Banks' protectorate bill. After explaining Fabens' errand, Fish remarked that he saw no reason for any Cabinet discussion of the matter. No other member expressed a positive opinion; and as he explains in his diary, "the subject was passed by, mainly for the reason of want of time before the close of the session."⁸

And that same day Grant again showed, to Fish's relief, that he was

⁶ The *Nation*, April 1, 1869.

⁷ Diary, April 5, 1869.

⁸ Diary, April 6, 1869.

inclined to avoid precipitate action on the Cuban revolt. Apparently Secretary Rawlins, who supported a recognition of belligerency, had been arguing with him. The diary records: "President introduced subject of the recognition of Cuba, saying that strict justice would justify us in not delaying action on this subject, but too early recognition might prejudice our case with Great Britain in respect to our claims. I thought it too soon to consider the question; that the madness and fatuity of the Spanish dominion in Cuba seemed to be producing a condition of affairs and a state of feeling that would compel all the civilized nations to regard the Spanish rule as an international nuisance, which must be abated, when they would all be glad that we should interpose and regulate the control of the island. Rawlins inclined to more speedy action. Hoar strongly opposed. The President decided not to entertain it at present." Once more, well and good!

II

Yet while these postponements indicated a wise caution on the part of the President, other acts suggested to Fish that Grant was subject to impulsive moods and would need much advice. The first week in April was marked by two episodes in which he yielded to the better judgment of his Cabinet. At one Cabinet meeting he announced with some heat that he had received the long-debated bill amending the Tenure of Office Act. It did not suit him at all; he had asked for complete repeal of the law, originally passed to fetter Andrew Johnson, and still thought any limitation upon the President's right to remove his own appointees most obnoxious. The House had voted for complete repeal, and the refusal of the Senate to do likewise was obviously due to its desire to maintain a greedy hold upon the Federal patronage, and a weapon for use against independent-minded Presidents. Grant told the Cabinet that his first impulse had been to veto the bill. Finally he had decided to sign it, but thought of an accompanying message setting forth all his objections. Judge Hoar at once advised against any such communication. It was doubtful, he declared, whether the President had a constitutional right to add a word to his simple approval of bills. When President Johnson had done otherwise, he had provoked antagonism in Congress, aroused popular criticism, and accomplished no good. A scolding message now would make enemies and create an impression of dissension in the party;

Grant should reserve his views until his annual message in December, when they would have more effect. This was commonsense advice, and Grant followed it.⁹

But a still more impulsive act occurred a few days later. Secretary Fish on April 7 was astonished to read a note dashed off that morning in Grant's hand. "Sir," it read: "The Senate being near adjournment, and not having acted upon the Johnson-Clarendon Treaty for the settlement of the Alabama Claims, I think it will be well to send a short message to the Senate recommending its rejection. The reasons can be stated in a few sentences which I would like to give, but the hour has come for receiving members of Congress, and I have not therefore the time. With great respect, U. S. Grant."¹⁰

This was indiscreet, to say the least. The Johnson-Clarendon Convention had been condemned by public opinion upon the ground that it offered the United States inadequate compensation for the injuries inflicted by Great Britain during the Civil War. Everyone knew that the Grant Administration took this view. It was superfluous for the President to serve formal notice of the fact upon the Senate; action being expected within a few days, it was totally unnecessary to prod that body. A special message would furnish encouragement to truculent speeches against British policy, and exorbitant demands. Secretary Fish promptly pointed this out, and the message was never written.

As Fish studied the President, he saw how curiously casual were many of Grant's acts. For that matter, Fish's own appointment had been casual enough. Grant appointed and dismissed men, proposed or opposed legislation, embarked upon policies great and small, with the unconcern of a leader who acts upon intuition rather than prolonged reflection. He seemed to trust a guiding star; and why not? The war, which had made the fortunes of a multitude of men while ruining another multitude, had created no career quite so spectacular as Grant's. In 1861 virtually a cashiered officer; a failure in the army, at farming, in business; a shabby clerk in his father's leather store at fifty dollars a month. Four years later the head of the greatest army in the world, acclaimed the most famous of living soldiers, the hero of a nation ready to give him any honor within its power. If he did not believe in destiny, he might well believe, after so dizzy a rise, after four years of laudation, that an exceptional

⁹ Diary, April 1, 1869.

¹⁰ Grant to Fish, April 7, 1869; Fish Papers.

shrewdness resided in his ideas and a special prosperity attended his acts.

III

Meetings in the large, bright Cabinet Room (so used from Andrew Johnson to Theodore Roosevelt) on the second floor of the White House, above the East Room; meetings in the President's office on the same floor; meetings at official receptions and dinners; meetings at Fish's own house, to which Grant sometimes strolled for evening exercise—at all these Fish continued his friendly scrutiny of the President.

Physically Grant was unimpressive. He was scarcely five feet eight inches tall, slightly stooped, and so retiring in manner, especially in a crowded room, that he gave an appearance of shyness. When the war ended he had been slender, weighing at most one hundred and forty pounds; now he was portly enough to fill out his shining broadcloth frock coat. His hair, brushed back from his forehead in a rough cowlick, was becoming grizzled, but his close-cropped beard and mustache were still a warm chestnut brown. His Cromwellian wart, just above the mustache on the right side, was becoming lost in lines engraved by time. A high, broad, squarish brow was the feature which first caught attention; a brow now corrugated by heavy horizontal wrinkles, which with the thoughtful droop of his left eye gave him a careworn and rather sad aspect. The eyes were arresting; not large, not widely-spaced, their steel-blue glint bespoke determination; yet they held a perplexed look. But his most striking features were his mouth and chin. The lips had a mastiff firmness, meeting closely in an almost horizontal line; the jaw was square, heavy, and in repose had a set rigidity that expressed his tenacity and force of character. Once during his Presidency he shaved his chin, revealing it as even longer, squarer, and grimmer than people supposed—the chin of a fighter. His voice was low-pitched but exceedingly musical, one of the clearest and most distinct imaginable, and so penetrating that it was heard at a surprising distance. In talking he was fond of two gestures; he stroked his chin with his left hand, or rhythmically raised and lowered his right, resting it at intervals on his knee. Despite his grim, careworn appearance, his nature was actually buoyant and optimistic. In social exchanges his eyes often lit up with a merry twinkle, and he would sometimes laugh heartily. Like Lincoln, he was essentially democratic; while sometimes silent, he was never brusque;

he treated everyone, great or small, with courtesy; and though his acts might be autocratic, his speech and manners never were. It was possible for men who knew him well, as Fish soon did, to conceive a genuine affection for him; but no one knew him so well that he ceased to be a little of a puzzle.¹¹

Little by little Fish made up his mind as to the President. Grant's was a contradictory personality, and facile generalizations upon him are to be avoided. His mind, though undisciplined by study and unbroadened by cultivation, was by no means always casual. It could be remarkably logical and purposeful. No one can read his military dispatches or his *Memoirs* without realizing that at times it possessed great precision and lucidity. But he labored under two heavy disabilities. One was the fruit of his training at West Point and in the Mexican and Civil Wars. Having acquired a military point of view, he clung to it tenaciously in a political environment. His subordinates he regarded as so many staff officers or field commanders; his policies were to be executed like campaigns; and while opposition was to be expected from the enemy, any exhibition of it from within his own camp was worse than insubordination—it was treason. "In military matters," as Jacob D. Cox long afterwards wrote,¹² "the objective is usually a very definite one, and the end being clearly aimed at, the intervening steps arrange themselves when there is true courage and tenacity of purpose. In civil affairs there would be danger that such a rule would run into the pernicious maxim that the end justifies the means. A very different kind of knowledge, both of men and of affairs, is needed to conduct properly the civil business of the State." Not merely did Grant lack that knowledge—he was incapable of gaining it.

The other disability was in part inborn, and in part the result of the long years of reverses, miseries, and humiliations which had driven him in upon himself. He was destitute of the great gift which may be called the consultative talent. Not only was he naturally reticent; in intellectual fields he felt a bashful inferiority. Hence his reticence became an awkward self-constraint in the presence of men of superior reading,

¹¹ The most illuminating books are Horace Porter, *Campaigning With Grant*; and Charles A. Dana, *Recollections of the Civil War*—written by two men once close to Grant (for Dana Miss Ida Tarbell acted as ghost writer). Jacob D. Cox's paper in the *Atlantic* for August, 1895, "How Judge Hoar Ceased to be Attorney-General," contains some shrewd paragraphs on Grant's mind. Henry Adams' *Education*, and Adam Badeau's *Grant in Peace*, add matter of value.

¹² *Atlantic*, August, 1895.

information, and knowledge of law, government, and the world in general. On meeting them he froze instantly, while they, awed in turn by his great reputation, found it almost impossible to break down the barrier. In time Fish, as we shall see, with his simplicity, kindness, and strong good sense, did it. But even Attorney-General Hoar, whose geniality and wit conquered nearly everybody, could with difficulty reach Grant; while a stiffer man like Jacob D. Cox met impenetrable armor. Not so the coarser politicians. This quick-witted tribe, who had no more cultivation than Grant himself, who showed a flattering deference, who studied his peculiarities, found his ear open. They obtained easy access to him, and urged their schemes with skilful arguments and passionate intensity. Then, without waiting for a reply, they trusted to the slow effect of their words. Confederates tactfully seconded them by similar speeches. He had few advisers to point out sophistries; he was so devoid of subtlety that he seldom suspected any plausible fellow of guile. Frequently he would accept their view. Then, with ingrained Scotch persistence, with that indomitable will which had served the nation so magnificently before Vicksburg and Richmond, he clung to it to the end.

Fish and other Cabinet members slowly grasped the facts which Adam Badeau, Orville E. Babcock, and other clever men, long associated with Grant, had already perceived. Badeau, living in the same house with young Henry Adams, sketched the new President in caustic terms: ¹³

Loyal to Grant . . . he held that no man except himself and Rawlins understood the General. To him, Grant appeared as an intermittent energy, immensely powerful when awake, but passive and plastic in repose. He said that neither he nor the rest of the staff knew why Grant succeeded; they believed in him because of his successes. For stretches of time, his mind seemed torpid. Rawlins and others would systematically talk their ideas into it, for weeks, not directly, but by discussion among themselves in his presence. In the end, he would announce the ideas as his own, without seeming conscious of the discussion; and would give the orders to carry them out with all the energy that belonged to his nature. They could never measure his character or be sure when he would act. They could never follow a mental process in his thought. They were not sure that he did think.

Through his obtuseness, trustfulness, and responsiveness to flattery, Grant had little capacity for self-protection. He did not understand a

¹³ *Education of Henry Adams*, 264.

fraud or "game" or plot. In legislation he responded to wirepullers and in administration to adventurers. His friends were soon condoning his errors on the ground that he was "only a blunt, simple soldier," or that he had "had his mind poisoned." He was also sadly crippled by his total ignorance of law, of which most Presidents have possessed at least a smattering. Fish noted this deficiency in many a Cabinet meeting. Gideon Welles had noted it before him, and had written in his diary of Grant's amazing lack of comprehension of the machinery or spirit of civil government as well. Ignorance of law helps to explain Grant's failure in Southern affairs, for example; essentially a failure to respect the Anglo-American tradition of the subordination of the military arm to the civil power. He was crippled, again, by his erratic memory, for Fish's diary shows that he kept forgetting facts of cardinal importance; and by his lack of system in work—Fish notes his confusion, his carelessness, and his failure to keep copies of important papers. And because harsh years of failure had made him keenly sensitive to criticism, he soon learned an intense distrust of reformers. A reformer is by definition a critic; they attacked him, while the "boys," the politicians, stood loyally by him—for their own ends. The very word reform became a red rag to him. But once he gave his friendship to any of the "boys," he gave it unreservedly. He had grown up in a chilly home, starved of affection by his mother; during his bleak years of poverty and failure he had come to crave admiration, comradeship, and loyalty inordinately; and he would go through fire for a man who, like his secretary Orville E. Babcock, seemed to offer them.

However intermittent was his mental energy, it will not do to under-rate it. [He was sometimes incredibly naïve—so naïve that in his travels he remarked seriously to a young woman that Venice would be a fine city if it were only drained. He could be incredibly awkward—so awkward that, retiring from a dining-room with the second Duke of Wellington, he broke a long silence by remarking, "They tell me, my Lord, that your father was also a military man."] He displayed the same mastery of platitude that often convinced men of Grover Cleveland's dullness. But on occasion, as the Vicksburg campaign proved, he could think rapidly, independently (Sherman had condemned that plan of campaign), and effectively. Nor was he altogether inarticulate. "Few men," wrote Fish later, "had more powers of conversation and of narration than he when in the company of intimate friends. . . . His memory was

minute and accurate to a degree. He was not fond of talking of the war, or of his battles; but when he could be led to the subject, he would carry it through, giving the incidents of a fight, stating minutely at the various stages of an engagement the location of each division or separate corps or regiment." In this statement we have the chief secret of the best book of military memoirs since Caesar. On occasion Grant showed a remarkable faculty of concentration. During the war no distraction—the roar of battle, the noise of talking and laughing officers in his tent, the coming and going of orderlies—could interrupt his work. He wrote some of his most important orders amid a wild uproar. Much of his writing both during and after the war would have done any man credit. Always rapid in composition, he used words of Anglo-Saxon derivation as much as possible, and eschewed adjectives; the result was correct in grammar and (with rare exceptions) spelling; above all, it was lucid and forcible.

Grant possessed a fund of humor, enjoyed good stories and told them well, and sometimes displayed a pretty stroke of wit. When asked if he had heard Sumner converse, he replied: "No, but I have heard him lecture." When told that Sumner did not believe in the Bible, he remarked, "No, he did not write it." Once he spoke of his plan for woman suffrage. "Why, Ulyss, you never told me about that," said Mrs. Grant. "Oh," said he, "I would give each married woman two votes; then both husband and wife would be represented at the polls, without there being any divided families on the subject of politics."

Abused as a man of coarse tastes, he actually possessed much innate refinement, and his delicacy of feeling for his wife might have put many a sophisticated gentleman to the blush. When she visited his camp during the war, they would sometimes be surprised sitting in a corner of his tent holding hands like bashful lovers; after Appomattox, when she suggested taking her unfortunate squint to a surgeon, he dryly replied that he wanted her to keep the eyes with which he had fallen in love. Nothing aroused his indignation more than marital infidelity, and he made it a bar to any appointment. He was squeamish about profanity, about ribald stories, about the sight of blood. One of the few occasions on which his staff saw him lose his temper was when he found a teamster beating a horse upon the head. He loved animals, and especially horses and dogs, for which he had the sentiment usual among Anglo-Saxons of outdoor training. While his "trotters" in Washington and at Long Branch were ridiculed as a piece of vulgar display, they actually grati-

fied the simple feeling which had led him to say during the war that he would like to close his days breeding fine horses, while they gave him—as he once shrewdly remarked—something to talk about to politicians when he wanted to stop their talk about offices. His tastes at table were so Spartan that during the war he often made a meal upon a sliced cucumber and coffee; and he objected to dining out because he had to sit through a long list of courses, few of which he ate. His one vice, after he entered the White House, was tobacco. He reeked with it; his cigars were black, rank, and poisonous; he consumed them in huge quantities, more even than Edwin Booth.

But we must repeat that the key to his defects as a civil leader lay partly in his very virtues as a military commander. "A soldier's first duty is to learn to obey his commander; I shall expect my orders to be obeyed as exactly and instantly as if we were on the field of battle"—this first speech to his regiment at Springfield he might have applied to his Cabinet and other subordinates. "I propose to move directly upon your works"—thus he envisaged any policy, from the annexation of Santo Domingo to the handling of Reconstruction. We must reëmphasize the pathetically insuperable barrier between him and nearly all the best minds he might have used. John G. Nicolay thought him unapproachable. "Anyone could come into his presence; he had no forms or ceremonies; but only a few people could get at his thought. . . . I have seen a man talk to Grant listening in rigid irresponsetill, in sheer self-defence, the visitor was forced to rise and flee from the President's terrible accusing silence." Add to this his vast ignorance of civil affairs, economics, and history; his tendency to look upon the Presidency as a reward, not a responsibility; his indefeasible loyalty to any rascal who merely showed loyalty in return; and not least, his lack of magnanimity, for despite the Appomattox legend, he bore grudges and was a vengeful hater—and we can understand, as Fish gradually did, how terribly he was handicapped in his task.

✓

IV

Of the ill-assorted Cabinet which Secretary Fish at once began to study, Rawlins was in salient respects the most important. Ordinary observers thought him a pillar of strength to the Administration. That legend has strangely persisted. In war he had indeed been invaluable. A friendship rooted far back in Galena days enabled him to break easily

through the iron taciturnity into which Grant withdrew when he found that others disapproved his course. He could argue, expostulate, and even reproach, without arousing the slightest offence in his chief. He knew how to arrange those discussions in Grant's presence which did so much to enlighten the general.¹⁴ At headquarters, day after day, he had staged conversations upon strategy with Sherman, McPherson, and Badeau; their ideas had sunk into the mind of the silently smoking general; meditating them, Grant had announced decisions which combined their wisdom with his own bold directness. In Cabinet and Executive Office he now tried to aid Grant in the same way. His abilities were moderate, his education defective; the son of a farmer and charcoal-burner, an ill-read lawyer in Galena, he was ignorant of many aspects of government and statecraft. But his devotion to Grant was absolute. He was sincere, determined, and with the courage of his convictions. He had made himself Grant's conscience during the war, had stopped his drinking (which he hated with the more zeal because his own father had died a dipsomaniac), and had driven away evil associates.¹⁵ He still had blunt, angry words, interlarded with oaths, for men and ideas he thought unworthy of the President. While he was Secretary of War, there could be no kitchen Cabinet.

Yet there were sides of the rough, blustering Rawlins which Fish grew to distrust. Having been Grant's chief-of-staff, he was too confident of his own judgment and executive capacity. He was oratorical.¹⁶ When his earnestness grew heated, his speech would rise to stentorian tones, emphasized by vehement gestures and camp expletives. As he subjected the Cabinet to these outbursts, it saw the flush of tuberculosis on his thin cheeks, and heard him end in a racking spasm of coughs. He was treated with the greatest consideration. But Fish was quick to perceive that his zeal for expansion, his contempt for foreign nations, his imperious temper, rendered him dangerous—dangerous above all to the State Department; while eventually he made a discovery which shook even his faith in Rawlins' honesty.

Cox and Hoar, men of cultivation, urbane knowledge of the world, and interest in reform, were congenial to Fish. They shared his view of the political swine who crowded Washington, the financial swine in New York, and the intermediaries between the two. Cox, as a result of his

¹⁴ Porter, *Campaigning with Grant*, 13 ff.

¹⁵ Wilson, *Rawlins*, 24, 141 ff.

¹⁶ Porter, *op. cit.*, 314.

brave endorsement of Johnson's Reconstruction policy, had a legion of enemies.¹⁷ Tall, handsome, mentally and physically vigorous, he was both a man of affairs and a student, who talked equally well of books and men. The *Nation* long valued him as the best military critic in America. Already known as an advocate of civil service reform, he at once put the merit system into operation in his own department—thus making additional enemies among the spoilsmen. An essay which he shortly published in the *North American Review* did as much as any publication of the time to create sentiment for a classified civil service, and was attacked by the office-brokers with a rage which did him credit.¹⁸

Still rarer were Attorney-General Hoar's qualities. Sprung from one of the oldest New England families, the son of a lawyer who (said Thomas Starr King) "lived all the beatitudes daily," reared in Concord when it was the Athens of America, graduating from Harvard with Richard H. Dana, Jr., and Amos A. Lawrence, he had made the most of his rare opportunities.¹⁹ He was marked by wit, learning, intellectual power, and integrity. A typical New Englander and a Puritan in character and outlook, he carried a kindly heart under outer brusqueness. Few men possessed a more sparkling gift of repartee, a more delightful humor, yet these merely adorned a ripe wisdom. Lowell wrote: ²⁰ "The extraordinary quickness and acuteness, the *flash* of his mind (which I never saw matched but in Dr. Holmes) have dazzled and bewildered some people so that they were blind to his solid qualities. . . . I have known Mr. Hoar for more than thirty years, intimately for more than twenty, and it is the solidity of the man, his courage and his integrity, that I value most highly."

✓ Washington thought him frigid and disagreeable, but this was simply because he, like Cox, waged unremitting warfare against spoilsmen and incompetents. When he dealt with dishonesty his sarcasm cut like a knife, and his contempt for stupidity was unconcealed. Naturally he too left a trail of enemies. But Fish enjoyed the man—his learning, his sense, above all his effervescent wit. He spoke of the suddenness with which his appointment had forced him to leave Boston: "My creditors

¹⁷ Rhodes, *History of the United States*, VI, 238; Cf. J. R. Ewing, *Public Services of Jacob D. Cox*.

¹⁸ W. D. Foulke, *Life of Oliver P. Morton*, II, 213, 214.

¹⁹ Storey and Emerson, *Rockwood Hoar*; the chapter "Personal Reminiscences" is especially valuable for his character.

²⁰ Lowell, *Letters*, II, 33.

have not yet recovered sufficiently to get together." He growled of a rascal who was growing circumspect—perhaps Ben Butler: "He has reached the superlative in life; he began by trying to get on, then he sought to get honor, and now is seeking to get honest."

Boutwell might be dismissed in Henry Adams' phrase, "a somewhat lugubrious joke," or in Godkin's, "twenty years of caucus, wires, and stump."²¹ Nobody knew better how to run with the hare and hunt with the hounds. Originally a Democrat, a beneficiary in 1850 of the shabby bargain between Democrats and Free Soilers by which he became Governor of Massachusetts and Sumner became Senator, he was now the most radical of Republicans. As early as 1865 he had preached Negro enfranchisement. He had been one of the first to suggest Johnson's impeachment, had followed him with unrelenting hostility, and had been the original chairman of the impeachment managers.²² When Johnson invited him to dine at the White House, he had rudely refused to answer the invitation.²³ No small part of the blundering in the trial was traceable to him, and his speech against Johnson withered under the satire of William M. Evarts of the defense.²⁴ Personally he was as thin, acrid, and rustling as a dead elm leaf, and his intellectual poverty contrasted with the rich mind of his colleague from Massachusetts. But he was hand in glove with the politicians, and if one of the two Bay State members had to leave, it would be Hoar.

Of the other Cabinet members, Borie was a nonentity. He had the merit of candor: "The department is managed by Admiral Porter; I am only a figurehead."²⁵ Genial, weak, and unhappy, he was as much an invalid as Rawlins, and would obviously not hold his seat long. John A. J. Creswell, the Postmaster-General, had been brought in as a border-State politician who had served in both House and Senate and whose knowledge of Congress would be useful in distributing patronage. But he soon proved one of the ablest postmaster-generals the country has had. He reduced the cost of mail-carriage by rail and steamship; greatly increased the number of mail routes, postal clerks, and letter carriers; introduced the penny postal card; codified the laws relating to the post-office department; and together with Fish, revised the postal treaties

²¹ *The Nation*, June 17, 1869.

²² E. L. Pierce, *Memoir of Charles Sumner*, IV, 261; George S. Boutwell, *Reminiscences of Sixty Years*, II, 119 ff.

²³ Boutwell, *Sixty Years*, II, 121.

²⁴ Rhodes, *United States*, VII, 132-138.

²⁵ Boutwell, *Sixty Years*, II, 212.

with other nations.²⁶ Unfortunately, he also had expansionist ideas on foreign affairs, and harsh views of the South.

v

By the end of May the Cabinet had become a hard-working body; even Borie, guided by Admiral David Porter and Rear-Admiral Daniel Ammen, was introducing urgent economies. Everyone knew that so far as it had any head and leader under Grant, that man was Fish. The others deferred to him. He was constantly being interviewed; his supposed policies received more space than those of anyone save Grant. "We hear no more," wrote Godkin dryly,²⁷ "about Mr. Fish's having no mind of his own, and no definite views as to this country's foreign relations."

Fish's headquarters were a curious place for the Foreign Office of a great Power. The old Orphan Asylum building, far out on 14th Street, was a shabby brick structure reached by an ill-paved street. The Secretary had a little room in the cramped second story, an apartment of perhaps twelve by twenty feet; next door was the smaller room of Bancroft Davis; and on the same floor was the office of the capable Second Assistant Secretary, William Hunter of Maryland, and a small library.²⁸ The force of clerks, bookkeepers, and messengers were crowded downstairs. But Fish never complained. Nobody in the administration worked harder. His bay horses were always at the door by nine; he did not step into the carriage until 5:30 or 6. Subordinates found that he read every paper that came into the Department, wrote or signed every paper that went out, held the threads of every negotiation, and thought no hours too late and no pains too severe.²⁹ When the day's labor was over, he conscientiously sat down to record its details in his diary—sometimes a matter of several thousand words. While he could be the most courteous of men, to him government was a serious business, and he demanded obedience, discipline, and industry. Bancroft Davis wrote later that he "had no superior as an executive officer. His great ability made itself felt in every room and at every desk. He knew every clerk personally, and seemed to find out instinctively their habits and ways of life—

²⁶ *Dictionary of American Biography*, IV, 541, 542.

²⁷ *The Nation*, May 20, 1869.

²⁸ Described for the author by the late Hamilton Fish, Jr., at one time secretary to his father, June 14, 1935. It may be noted here that Hamilton Fish characteristically paid the salary of his son (\$1200 a year) from his own pocket.

²⁹ Memorandum in the Fish Papers; see also the tribute in Davis, *Mr. Fish and the Alabama Claims*.

whether they were prompt or dilatory, attentive to work or disposed to shirk it. While firm in his requirements, he was just to all under him, and patient in listening to their grievances."

Some voices soon grew critical of Grant. No one had supported him more warmly for the Presidency than his wartime associate Charles A. Dana; yet Dana's *Sun* commented as early as April 17, 1869, upon the anxiety caused by "his frightful blunderings and flounderings." It was already attacking him for giving offices to men "chiefly distinguished for having conferred upon him costly and valuable benefactions." The first two months of the Administration furnished no evidence of a constructive policy in any direction. With much to learn upon national finances, Southern affairs, foreign relations, and general administration, Grant was not grappling earnestly with any of his tasks. June 11 found him leaving for West Point and the mastodon "Peace Jubilee" in Boston. The military aides by whom he was still surrounded disturbed many observers: the handsome, clever Orville E. Babcock, the more serious Horace Porter, and the nondescript George K. Leet. All three had been on Grant's staff during the war. Babcock related to newspapermen how he had been appointed to that position because, "a poor green second lieutenant," he had once cooked a supper which pleased the general. After the war, all three had lived with Grant for a time in a house which they clubbed together to rent in Washington. They and Badeau, who had been given a room in the White House to work on his history of Grant's campaigns, might be excellent men; but was it well for the President to retain so military an entourage?

The country thought well of the reconstructed Cabinet.³⁰ It was still hopeful of the Administration. But it was astonishing how soon informed men began to feel apprehensions of just one quarter—the White House, where the President, with his eternal cigar, was letting Babcock usher in some questionable men.

³⁰ See Godkin's balanced comment in the *Nation*, May 20, 1869.

WHEN Fish took office, he knew that the question of the *Alabama* Claims was rising to an imminent crisis in the defeat of the treaty planned by Sumner to settle it. That question he justly expected to be the most important he would face.

During the Civil War the two veteran British statesmen, Lord Palmerston as Prime Minister and Lord John Russell as Foreign Secretary—men who had been fighting the battle for liberalism in Europe when Fish was a young lawyer—had incurred the anger of most American citizens. Their Ministry was believed to be sympathetic with the South. Until midsummer of 1863 the North feared they would join the willing Napoleon III in recognizing the independence of the Confederacy. Indeed, just before the news of Antietam reached England, Palmerston and Russell had discussed presenting an offer of mediation based upon Southern freedom, while Gladstone in his Newcastle speech had declared that the Confederate leaders had made an army, were making a navy, and what was more than either, “have made a nation.” Palmerston’s Whig Ministry seemed at times the very mouthpiece of the widespread Tory hostility toward the North.

In addition, the British Government was blamed for specific commissions and omissions which were held to be improper, offensive, and gravely injurious.¹ The Queen’s proclamation of neutrality on May 13, 1861, was regarded by many Americans as hasty and unfriendly, and Seward made it the subject of reiterated complaints. The North usually termed it a proclamation of “Confederate belligerency,” for it automatically granted the South the rights of belligerents; the Confederate flag was thereafter recognized on the high seas, and Southern ships had the same privileges in British ports as Northern ships. In 1862, despite warnings by Minister Adams, the British Government permitted the *Florida* to leave Liverpool and take on guns in the Bahamas, and the *Alabama* to escape from Liverpool and take armament from a British tender in the Azores. In 1863 the steamer *Georgia* was allowed to leave the Clyde and arm herself at sea; and in 1864 the *Shenandoah*, a former

¹ See Ephraim D. Adams, *Great Britain and the American Civil War*, *passim*; Donaldson Jordan and E. J. Pratt, *Europe and the American Civil War*; and the titles listed in the full bibliography of the latter work, 271 ff.

British vessel, armed at Madeira with British aid, was allowed to fill up her crew at Melbourne. These four Confederate warships, with a few of lesser note, carried terrible destruction to American merchant shipping. The Confederates meanwhile raised large sums of money in Great Britain by a bond issue based upon cotton; while blockade-runners were outfitted and filled with freight in England. Americans could quote John Bright's speech at Rochdale in 1863 severely condemning his countrymen for furnishing ships, arms, munitions, and funds to "this intended slave government."²

I

Yet while the United States had certain legitimate grievances, some of the accusations against Great Britain were unfounded or grossly exaggerated. It was probably not true that a majority of Britons had sympathized with the South. On the contrary, much middle class and nearly all lower-class sentiment was distinctly with the North, and after the emancipation proclamation vigorously so.³ England witnessed not a single spontaneous mass-meeting for the South, while immense meetings were held in behalf of the Union. John Stuart Mill, John Morley, Algernon Swinburne, Benjamin Jowett, Monckton Milnes, and Robert Browning were among the authors who strongly espoused the Northern cause; Goldwin Smith and Thomas Hughes won gratitude in the United States by their warm championship of it; and T. H. Huxley spoke for many when he said that while his heart was with the South, his head was with the North. R. H. Hutton's *Spectator* and Harriet Martineau's *Daily News* led a considerable pro-Northern section of the press. The aristocracy counted not a few staunch friends of the North; Prince Albert was benevolent, the Duke of Argyll, Lord Frederick Cavendish, and Lord Dufferin cordial. Among Tory politicians Disraeli and Sir Stafford Northcote were sympathetic. Among the Whigs John Bright, Richard Cobden (after some hesitation), and W. E. Forster staunchly defended the Federal Government.⁴ The Ministry itself held

² The best brief summary of the American grievances as regarded just after the war may be found in the able if highly partisan *Case of the United States Before the Tribunal of Arbitration at Geneva*, written by Bancroft Davis (1871).

³ The vigorous turn of sentiment may be dated even earlier; George Thompson, M. P., said in a New York speech May 10, 1864, that "It commenced with the message of your President on the 6th of March, 1862," when he recommended that Congress offer to pay the slave States for voluntary emancipation.

⁴ As the ablest among a large group of English books favoring the North, see J. E. Cairnes' *The Slave Power* (1863), Thomas Hughes' *The Cause of Freedom*, and Edward Dicey, *Six Months in the Federal States* (1863).

two friends, Earl de Grey and Sir George Cornwall Lewis, while Lord Granville favored a benevolent neutrality. The firmness with which stricken Lancashire clung to its faith in liberty and democracy furnished an unforgettable page of wartime history.

Nor was the British Ministry so blameworthy as it seemed. All authorities on international law now agree that the declaration of neutrality was strictly proper. The Confederate Government had taken steps to raise an army of 100,000 men, and had appropriated more than two million dollars for a navy; its forces had seized Fort Sumter and Harper's Ferry. Lincoln had called for 75,000 men. When President Davis issued his proclamation of April 17 calling for privateers, and Lincoln his proclamation of April 19 announcing a blockade, British action became inescapable and indeed urgent. Lincoln had directed the search and seizure of all foreign ships trying to enter blockaded ports, thus asserting a right over commerce which is accorded only to belligerents. The Supreme Court later held that his proclamation was official and conclusive evidence of a state of war. British citizens had the largest mercantile marine in the world, a vast commerce with America, and many millions in investments at the South. The Queen's declaration could not even be called hasty. It was not issued until fourteen days after London heard of Fort Sumter, Lincoln's call for volunteers, and Davis's measures for using commerce-destroyers; until twelve days after news of Lincoln's proclamation of blockade; and until nine days after a copy of that proclamation came from the British consul in New York. That the Ministry acted none too soon is demonstrated by the fact that on May 21 the British schooner *Tropic Wind* was captured for breach of the blockade.⁵

In permitting the escape of the *Florida* and *Alabama*, if not of other vessels, the British Government had certainly blundered. Great Britain prided herself upon the strictness of her neutrality laws. Her Foreign Enlistment Act of 1819, apparently modelled upon the American legislation of 1818, was in some respects more stringent and comprehensive. Offences against it had been exceedingly rare. Yet in 1861-64 the ministerial execution of the law left much to be desired. Palmerston and Russell were aware that neutral territory must not be used as a belligerent

⁵ See *The Case of Great Britain Before the Tribunal of Arbitration at Geneva* (Washington, 1872), for a fairly moderate statement of the British defence. See also E. D. Adams, *op. cit.*; J. F. Rhodes, *United States*, IV, V, *passim*.

base. But they still thought of a base in terms of armed expeditions in the popular sense; they did not sufficiently distinguish between the dispatch of a ship in belligerent service, and the export of a ship as contraband of war. Blockade running by neutrals is sanctioned by international law (at the risk of the runner), but the outfitting of warships is not. Ample warning had been given by American representatives of the character and destination of the *Florida* before she left England, and further warning by the American consul at Nassau when she arrived there for arms and men. Still more vigorous warnings were given as to the *Alabama*, which a British naval officer testified left Liverpool "in all respects fitted out as a vessel of war of her class in Her Majesty's navy." Nor did England's original failure to perform the duties of a neutral stand alone; for when guilty cruisers reëntered British ports, she gave them hospitality and free egress instead of impounding them.

Yet some extenuating circumstances could be pleaded. The sailing of the *Alabama* would have been stopped, after inexcusable delay, had not the Queen's Advocate gone insane at the critical moment and neglected the papers sent him for action. And that was Great Britain's last serious error: Lord Russell determined next year to hold the iron-clad rams then being completed at Laird's even before he received Charles Francis Adams's ultimatum, "It would be superfluous in me to point out to your lordship that this is war." In his memoirs he eloquently protests his good intentions throughout, and reproaches Minister Adams for doubting them.⁶

Moreover, the British attitude toward privateering and the blockade was all that Lincoln and Seward could reasonably have desired. Orders of June 1, 1861, forbade commerce-destroyers to bring prizes into the territorial waters of the United Kingdom or the empire. This crippled Confederate privateering, which could not support itself (much less furnish profits) unless prizes could be sold. The Confederacy vigorously but fruitlessly protested. Again, the British Government early in the war committed itself to recognition of a commercial blockade of Southern ports, however extensive, if sustained by an adequate naval force and not by mere paper decrees. Instructions given Sir Alexander Milne, commander-in-chief on the North America and West Indies station,

⁶ Cobden wrote Sumner on February 13, 1863: "If an attempt were made by the Government in any way to commit us to the South, a spirit would be instantly aroused which would drive that Government from power." Brougham Villiers and W. H. Chesson, *Anglo-American Relations 1861-65*, 86, 87.

bound him to scrupulous neutrality and to a tactful attitude toward the American navy.⁷ Early in 1862 Lord John Russell, in a celebrated letter to Lord Lyons, defined an effective blockade in terms which delighted Washington and dismayed Richmond; it was effective if maintained by sufficient vessels to make entry or egress dangerous, and was not invalidated by the occasional escape of some runner. Milne, in his relations with Northern naval commanders, behaved with consummate fairness and courtesy. Finally, and of high importance, Great Britain acquiesced in the doctrine of continuous voyage, under which the Federal navy seized the *Springbok* and other English ships when nominally bound from Europe to the British West Indies, but with cargoes whose true destination was the Confederacy.

As Fish knew, Yankees and Britons looked back upon their relations during the Civil War with very different feelings. The North felt a rankling resentment. Even Lowell declared that he could never again cherish friendship for the English people. Both North and South had expected instant and complete sympathy from the mother country, forgetting, as many Englishmen did in the World War, that opinion in a democracy is always divided. Union men remembered the sneers and rebuffs; they remembered such facts as the testimony of the Confederate agent, Capt. J. D. Bulloch, that he had never met a military or naval officer who did not lean toward the South.⁸ They failed to remember the support which the great manufacturing areas, many intellectuals, most Dissenters, and most radicals, gave the Union; they failed to realize that when Cobden said, "We generally sympathize with everybody's rebels but our own," he spoke for all human nature. From the British standpoint, the American attitude was a continuance of that old policy of arrogant lion-baiting which had aroused so much ill-will before the war. Admitting certain blunders, Englishmen believed that their government had shown no malice. They knew that the British course had been governed primarily by concern for the future interests of British sea-power. They realized that, as one of the most careful American historians of the subject has written,⁹ "British policy as to neutral rights favored the North, because most precedents of the British past and

⁷ See James P. Baxter, 3rd, "The British Government and Neutral Rights, 1861-65," *American Historical Review*, XXIV, 9-30 (October, 1928).

⁸ That, Bulloch inaccurately added, was the feeling of "at least five out of every seven in the middle and upper classes." Bulloch, *Secret Service of the Confederate States in Europe*, I, 294.

⁹ Baxter, *loc. cit.*, 29.

the obvious interests of the empire in the future dictated decisions favoring belligerent pretensions." Americans seemed to them emotional, unrealistic, and unreasonable.

Just after the war there was a brief interval in which, by vigorous action, Earl Russell might have extricated his nation from its unpleasant position and restored good feeling with the United States. The victorious Union, though by no means magnanimous, was weary of struggle. It had troubles enough at home, and facing France in Mexico, wished for friends abroad. As Sumner later put it,¹⁰ at that juncture "we would have accepted very little." A manly expression of regret, a tender of damages for actual and proved injuries to our commerce, would have enabled Great Britain to retire gracefully from an untenable position. Charles Francis Adams as early as October, 1863, had made a proposal to arbitrate the claims arising from the Civil War, which our government would then have defined in moderate terms. But Russell was not the man to rise to the occasion. He had taken a position; he and most Englishmen believed the government had been truly neutral; stiff, narrow, apprehensive of the political consequences of yielding, he declined to budge. Though in the long run Great Britain obviously stood to profit more than any other nation from stringent rules against abuse of the commerce of belligerents by un-neutral acts, he rejected the American proposals as "most burdensome, and indeed, most dangerous!"¹¹ Lord Stanley, who succeeded him in 1866, was more conciliatory and declared the willingness of his government to accept arbitration under certain limitations. But as one of these conditions was the exclusion of the alleged premature recognition of Confederate belligerency as a grievance, and as Seward insisted¹² that this recognition was "an act of wrongful intervention," the discussions fell through. Thus the matter stood until, both governments yielding a little ground, Seward in 1868-69 negotiated his ill-fated Convention. American feeling had become exacerbated, and its conception of the proper demands upon Great Britain more rigorous.

II

The problem was thrust upon Fish even more quickly than he had anticipated. In mid-April the almost unanimous rejection of the John-

¹⁰ Pierce, *Sumner*, IV, 384.

¹¹ Cf. Charles Francis Adams, Jr., *Lee at Appomattox and Other Papers*, 85.

¹² Bancroft, *Seward*, II, 495-496.

son-Clarendon Convention, Sumner's bitter and provocative speech on that occasion, and the jubilant comment of bellicose editors and politicians heralded a menacing crisis in Anglo-American affairs.

Seldom has a treaty been made under unhappier omens. When Reverdy Johnson, succeeding Adams, arrived in England in August, 1868, the Johnson Administration was popularly discredited and faced by a hostile Senate. Any compact whatever would have been suspect. Reverdy Johnson himself was hated by Radical Senators; it was at his house that the President, in the last days of the impeachment trial, had given Senator Grimes the promises which assured him of sufficient votes for acquittal.¹³ To make matters worse, the Minister committed blunder after blunder in England. He showed a gushing effusiveness. At a Sheffield dinner he listened silently to an offensive speech by J. A. Roebuck, once the chief Parliamentary advocate of British recognition of the Confederacy; he referred to "my friend Mr. Roebuck."¹⁴ In October he shook hands at a Liverpool banquet with Laird, builder of the *Alabama*. Lowell spoke of Johnson's "maudlin blarney."¹⁵ English newspapers laughed at him for "staging it in the provinces." His secretary of legation, Benjamin Moran, has left in his unpublished diary an acid vignette of the vain, doting old man, over-fond of liquor. "He sits here with his tongue lolling out, or picks his teeth with his fingers, and ever and anon looks up with 'Neddie' or 'Mr. Moran,' as the case may be—'Write a letter for me'—and then goes on with some private twaddle and I am obliged to neglect the public interest. He acts like a pettish child."¹⁶

Nor was the treaty which he drafted under the minute instructions of Seward satisfactory to Americans. Sumner wrote John Bright that a year earlier it might have been ratified by unanimous vote, but public sentiment had stiffened. Covering all claims on both sides since the convention of 1853, it mentioned but did not emphasize the *Alabama* Claims. It recognized in no way the deep sense of injury under which Americans labored. It completely dropped the *national* claims based upon the alleged prolongation of the war by the "premature" recognition of belligerency and by the activities of the cruisers—claims previously brought forward by Seward and Adams; it provided only for

¹³ Claude G. Bowers, *The Tragic Era*, 193; S. S. Cox, *Three Decades of Federal Legislation*, 591–593.

¹⁴ Rhodes, *United States*, VII, 336.

¹⁵ Lowell, *Letters*, II, 337.

¹⁶ Moran Diary, Library of Congress, March 8, 1869.

settling *individual* claims. The old complaints connected with the recognition of belligerency could be reviewed, but only in connection with private claims. Moreover, the form of arbitration provided was defective. It permitted in certain circumstances an unhappy approach to decision by chance. The questions at issue were to be submitted to four commissioners, two British, two American, with an umpire to decide any disagreement. If the commissioners could not fix upon a man to act in all cases, one was to be chosen *by lot* in each particular dispute. This possible reference of important claims to some arbiter selected by chance was highly repugnant to American feeling. In its essential features, apart from matters of emphasis and form, the convention was sound, and Charles Francis Adams declared that it should be ratified with amendments.¹⁷ But it is not strange that on April 13 the Senate rejected it, 54 to 1.

III

This rejection should have been silent. "It would have been vastly better to have made no speech at all," William Pitt Fessenden wrote Fish,¹⁸ "and trusted to the effect of *such* a vote. But it was not possible for Sumner to omit availing himself of such an occasion." Sumner's anti-British outburst the day of the vote, with all the weight of his personal prestige and his position as chairman of the Foreign Relations Committee behind it,¹⁹ was released to the press by special Senate action, and published from the Atlantic to the Pacific. Most men instantly accepted it as a just summary of the American position. E. L. Godkin wrote that it unquestionably had the approval of a great majority of Northerners; Lowell that it accurately expressed the feeling of the country.²⁰ But while Lowell told Sumner that "you have struck exactly

¹⁷ *The Nation*, June 10, 1869; Bancroft, *Seward*, II, 494. Reverdy Johnson also negotiated treaties with England on naturalization and the San Juan boundary. The Foreign Relations Committee reported favorably on both, but the Senate delayed action on them. Poor Johnson wrote John V. L. Pruyn on February 3, 1869, of the assaults on his work: "They never gave me any concern, because I was sure that the results of my conduct here would be deemed a complete vindication of it. I of course do not know what may be the judgment of the Senate, but as the treaties accomplish all that we have ever asked, I take for granted that they will be satisfied." The rejection was a great shock to him. He wrote Pruyn again on April 6: "Having reason to believe that our Government is about to make demands upon this Government which will never be yielded, and which I could not with propriety and self-respect urge, I forwarded my resignation on Wednesday last." Pruyn MSS.

¹⁸ Fessenden to Fish, May 23, 1869; Fish Papers.

¹⁹ Rhodes holds that Sumner was more warmly esteemed then in the North than any other leader save Grant; VII, 340.

²⁰ *The Nation*, April 22, 1869; Lowell, *Letters*, II, 29. See *Reminiscences of William M. Stewart*, Ch. XIX, for Zach Chandler's plan in 1865 to invade Canada with 200,000 men.

the true note," Godkin thought it mischievous. It was in truth one of the most unfortunate speeches ever made by an American leader upon foreign affairs.

Sumner, in taking his extreme ground against England, knew well that he would have a sympathetic audience. The New York *Sun* and *Tribune* were but two of many journals which held that England's policy had prolonged the war by at least a year.²¹ Greeley had found many echoes when he spoke of the cession of British America as the best means of wiping the slate clean. The previous December Joseph Medill of the Chicago *Tribune* had written Sumner: ²² "There is only one adequate atonement for the injury she (England) inflicted on us in the hour of our adversity; the surrender of her North American colonial possessions to our government." Grant was believed hostile to England, and reported as saying that he did not care whether she settled our little bill or not. Edward Thornton, the British Minister, in sending his government the inaugural address, had sounded a warning note. "I look upon the paragraph with regard to foreign policy as menacing towards England, and so it is considered by persons who are well acquainted with the character of the President and his feelings with regard to the questions pending between the two countries."²³ The Washington correspondent of the Springfield *Republican* reported two days before Sumner spoke that Canadian annexation had begun to attract attention in governmental circles, and was regarded by some as likely to be the prominent feature of Grant's Administration. Zachariah Chandler of Michigan was shortly declaring that if England would not cede us Canada, America would fight for it.

In an hour-long speech, more closely argued than most of his utterances, Sumner not merely emphasized the demand for payments to meet *national* as well as private losses sustained by British misconduct; he put a definition upon these national claims which can only be called staggering. Americans were familiar with the view that the "premature" proclamation of neutrality had been damaging to the United States. They were familiar with the view that the cruisers had prolonged the war. But the view now expounded by Sumner placed the chief responsi-

²¹ Dana in the *Sun* was patently trying to appeal to Irish-American readers; Greeley was sincere and spoke as an historian of the war.

²² Medill to Sumner, December 2, 1868; Sumner Papers, Harvard University.

²³ Grant categorically told John C. Hamilton that one of his chief aims was to effect Canadian annexation. Hamilton to Fish, July 14, 1869; Fish Papers. For Thornton's dispatch, see PRO, FO 5, Vol. 1159; Thornton to Clarendon, March 8, 1869.

bility for the conflict, from beginning to end, upon England! He urged the thesis that but for three elements—the proclamation, the cruisers, British sympathy with the South—the rebellion would quickly have collapsed. It would never have gotten a start but for the first, it would never have persisted but for the two latter. The Queen's proclamation had encouraged the still feeble and hesitant revolt, had made possible the arming of the Confederacy, and had thus "opened the gates of war." Thereafter England, aiding the South by cruisers, blockade-runners, and sympathy—by "its flagrant, unnatural departure from that anti-slavery rule which, by manifold declarations, political, legislative, and diplomatic, was the avowed creed of England"—had kept the fires of conflict blazing.²⁴

His impassioned discourse, lurid with adjectives, presented three distinct bills for damages. He estimated the physical destruction wrought by the "pirate ships" with their "cargoes of death" at \$15,000,000. The collateral damage at sea, by driving American commerce from the ocean and raising insurance rates, came to \$110,000,000 more. But this left unreckoned "that other damage, immense and infinite, caused by the prolongation of the war." He recklessly went on: "The rebellion was originally encouraged by hope of support from England; it was strengthened at once by the concession of belligerent rights on the ocean; it was fed to the end by British supplies . . . ; it was quickened into frantic life with every report from the British pirates . . . ; nor can it be doubted that without British intervention the rebellion would have soon succumbed under the well-directed efforts of the National Government. Not weeks or months but years were added in this way to our war, so full of the most costly sacrifice." After excoriating the blockade-runners²⁵ and Confederate cruisers as "hell-hounds," he asserted:

The sacrifice of precious life is beyond human compensation; but there may be an approximate estimate of the national loss in treasure. Everybody can make the calculation. I content myself with calling attention to the elements which enter into it. Besides the blockade, there was the prolongation of the war. The Rebellion was suppressed at a cost of more than four thousand million dollars, a considerable portion of which has been already paid, leaving twenty-

²⁴ Sumner saw to it that his speech was published in pamphlet form, and scattered broadcast.

²⁵ International law recognized no neutral responsibility for the stoppage of blockade-runners; that was the responsibility of the blockading belligerent.

five hundred millions as a national debt to burden the people. If, through British intervention, the war was doubled in duration, or in any way extended, as cannot be doubted, then is England justly responsible for the additional expenditure to which our country was doomed; and, whatever may be the final settlement of these great accounts, such must be the judgment in any chancery which consults the simple equity of the case.

This plain statement without one word of exaggeration or aggravation is enough to exhibit the magnitude of the national losses, whether from the destruction of our commerce, the prolongation of the war, or the expense of the blockade. They stand before us mountain-high, with a base broad as the nation, and a mass stupendous as the Rebellion itself. It will be for a wise statesmanship to determine how this fearful accumulation, like Pelion upon Ossa, shall be removed out of sight, so that it shall no longer overshadow the two countries.

In other words, our bill against Great Britain was at least \$2,-125,000,000. Obviously, this sum pointed straight at the forfeiture of Canada. Talking with the French Minister, Berthémy, Sumner had already hinted that this was what he desired.

IV

Fish realized that back of this intemperate speech and these outrageous demands lay muddled thinking and confused motives. In part it was one of the many unhappy fruits of the extreme Abolitionist point of view, the old impatience with every man and every nation which did not share the Abolitionist fanaticism. Sumner was blaming England because it had not been against Southern slavery even before Lincoln was against it! In part it was pure emotionalism. In part it was vanity. Sumner was a man of conscience—in fact, he occasionally asserted a monopoly of American conscience. But he was also subject to delusions of grandeur; to the fame of freeing the slave (for we have it on good authority that he sometimes talked as if he had fought the Civil War singlehanded) he would now add the fame of annexing Canada and revising international law.²⁶ A considerable part of the press happily condemned the speech. The *New York Times* declared it beyond all reason to hold Great Britain liable in equity for half the costs of the war, and most unwise to imply that we would consent to no settlement which did not pay them or offer equivalent reparation. The *Nation* remarked

²⁶ The best brief analysis of Sumner's strange mixture of admirable and repellent qualities, with a just emphasis on his total lack of any sense of humor, proportion, or tolerance, is Gamaliel Bradford's essay in *Union Portraits*.

that whatever was asked for ships sunk, the proclamation of neutrality could not be made a ground for damages. "We should confine our claims to the limits of fact and international law; the existence of a certain national feeling or sympathy may have been an ulterior cause of greater losses, but it cannot be made a basis of demands and reparations." When Fish asked Fessenden for his views, the latter declared Sumner's language "in some particulars unguarded and exceptionable and calculated to give a wrong impression."²⁷

In England the effect of the speech was to arouse much indignation and more disgust. Lord Houghton, an old friend, called Sumner "an enemy." The Duchess of Argyll sadly wrote him that she could not defend his name when it was attacked. George W. Smalley, after informing the *Tribune* from London that "England will fight rather than even negotiate on any such basis," sent the Senator a private warning: "The feeling is even stronger than I have ventured to describe it. . . . I hear the wildest expressions from men we have always looked to for moderation and friendliness."²⁸ John Bright's organ, the *Star*, showed only less irritation than the Tory *Morning Post*. The *Daily News*, always friendly to America, declared that in the Johnson-Clarendon Convention the British Government had granted the United States every point which Secretary Seward claimed; that when the Senate summarily rejected it, Great Britain felt entitled to a courteous explanation; and that instead, it had received a vitriolic attack. The London *Times* offered a calmly-reasoned rebuttal.²⁹ Our own government had long maintained that the war was over secession, not slavery; the complaints as to the "premat-ure" declaration of belligerency were mistaken in fact, and irrelevant to the *Alabama* question; Sumner forgot to mention the enormous British losses through destruction of the cotton trade by a blockade to which Great Britain had generously assented; he likewise forgot the innumerable evidences of popular sympathy with North; and he left French

²⁷ Fessenden to Fish, May 23, 1869; Fish Papers.

²⁸ Smalley to Sumner, May 14, 1869; Sumner Papers. Smalley wrote again on May 18 that "for the present, and on this point, old friends and old enemies coalesce," that in describing British resentment in the *Tribune* "I have abstained from telling the whole truth in its most offensive shape," and that "I should have liked to be able to repeat here your strong expressions to me in favor of peace and of a settlement—postponement indeed being dreaded here almost more than ever."

²⁹ The *Daily News* of May 4 said of Sumner: "The direction in which he has led the public mind in America is one in which it will not be possible to advance without serious danger to the peace of the two countries." The London *Times* of May 3 complained of Sumner that he put the worst construction on all British acts, sometimes in the language of irresponsible criticism, sometimes by the *ex post facto* test of consequences.

transgressions entirely out of the picture. As the London *Times* said, such claims as Sumner's were made only in peace terms presented by conquerors. The general British view was that their government had now done all that it could—more than it should have done; that it was well out of Clarendon's bad bargain; and that when America came to her right mind, a new offer would be up to her. Little worry was felt about the underlying difficulties of the British position. Smalley was mistaken when he wrote Sumner that postponement of the issue was dreaded more than ever; it was hardly dreaded at all.

And what of Fish? Sumner's speech, a complete and unwelcome surprise to him, was the commencement of differences between the Senator and State Department which were destined to end in a total breach.³⁰ With part of it Fish agreed. He believed the Johnson-Clarendon convention inadequate; he thought that the whole class of *Alabama* Claims required stronger emphasis. He wished England to realize the American sense of a profound grievance. But he thought Sumner mistaken about the British proclamation of neutrality; for while in his opinion it had been premature, he believed England had a perfect right to her own judgment in the matter. As for Sumner's argument that it had "lighted the torch" which destroyed so many American ships, and therefore formed a basis for large pecuniary claims, this he never for a moment accepted. He knew that Britain would never accept it. He believed that in presenting an estimate of damages we could not go beyond the accepted canons of international law; and these permitted every nation, when conflicts arose elsewhere in the world, to determine its own relation to the conflicting parties.³¹

Fish, in short, had no idea that a demand for two billion dollars could be justified. He quite agreed with the London *Times* that Sumner had commingled common law, international law, sentimental considerations, and *ex post facto* tests of consequence in an irresponsible farrago. His correspondence shows that he drew a clear distinction between legal and moral grievances: for the depredations of the cruisers we were entitled to damages; for the hurt to our feelings from the Queen's proclamation we were not. "I do not think it the basis for a demand

³⁰ Bancroft Davis, *Mr. Fish and the Alabama Claims*, 21, 22.

³¹ Fish wrote the Rev. Dr. C. L. Henry, May 24, 1869: "Sumner's speech was able and eloquent and perhaps not without a good effect, but it may raise expectations too high on the one side, [and] may irritate. Although the only speech made in the debate it was not the argument of all who agreed in the rejection of the Treaty, and we cannot stand upon it in all its points." Fish Letterbooks.



CHARLES SUMNER



JOHN LOTHROP MOTLEY

against England," he wrote; and again,³² "all grievances may not be susceptible of indemnification." On June 10 he explained his position fully in a letter to Francis Lieber, who had sent him a *Spectator* editorial pointing out that war might be quite as dangerous to America as to Britain: ³³

Sumner's speech, if it could reach the thinking mind of England, as the *presentation* (fervid and exaggerated if you please) of the American view of the losses sustained by the conduct of Great Britain, would do good; but it is drawn so strongly, that it shocks even those who ought (on that side) to think. They must, however, contemplate those losses from a different standpoint, and accustom themselves to measure them more liberally than they have done.

In the meantime, on our side there is danger that our people will accept Sumner's standard as that which they ought to demand.

On both sides, there is danger of misapprehension in attributing to it more of an official character than it justly should have. Our *Committees* speak through their *reports*; in the case of the Claims Convention, the Committee said "it ought not to be ratified"—that is all. The Senator from Massachusetts subsequently advocated that report. True, he was Chairman of the Committee, but he spoke only as an individual Senator. His speech was not that of the Committee, or of the Administration. Its rhetoric and its startling presentation of the magnitude of the losses pleased the American pride, and confounded and alarmed the British public.

If the latter will consider it as simply the presentation of what we (or some say even the great mass of our people) honestly believe to be the measure of our claim, but that we do not expect England to be able to meet in full, and that we do not mean to insist upon it in full, nor even that they recognize it in full, but if they will simply admit that we *think* our losses approximate to something in that direction, I think we may see a way to settlement.

At present, I have no apprehension of any but a pacific settlement. If, however, pride of opinion forces the adoption of Mr. Sumner's *standard* upon either the Republican party or the country, there can be no pacific settlement. . . .

Immediately after Sumner's speech, Fish reached two important decisions. One was that in dealing with the *Alabama* Claims, time must be allowed for the cooling of inflamed sentiment on both sides of the Atlantic. The other was that when negotiations recommenced, they should be handled in Washington by the State Department, and not in London by a Minister whose speeches, acts, and dispatches might give

³² Diary, June 11, 1869.

³³ Letterbooks.

rise, like Reverdy Johnson's, to misunderstanding and oratorical explosions.³⁴

V

Already Fish had given anxious thought to the choice of the new Minister to England. Two rivals had appeared, John Jay and John Lothrop Motley. In a frank letter, Jay had explained why he should be preferred.³⁵ Massachusetts had held the post for eight years; New York possessed the closest commercial and financial relations with England; his social position, education, family, and political service preeminently qualified him. Meanwhile, Sumner was urging the appointment of Motley. The historian was recommended by his literary fame, his many friendships in England, and his force of personality. Moreover, he had been shabbily treated by President Johnson, who had dismissed him as Minister to Austria because an irresponsible letter-writer accused him of belittling the President—and Grant never lost an opportunity to show his hatred of Johnson. In 1868 Motley, returning to the United States with Charles Francis Adams, had made a brilliant campaign speech for Grant—taking care to send a copy to Galena.³⁶ Spending the month before inauguration in Washington, he had also taken care to smoke and talk with Grant.³⁷

It would have been natural for Grant and Fish to send Motley back to Vienna as a "vindication," and send Jay to London. But Jay proved indiscreet. He wrote letters to the *Tribune* on the Anglo-American difficulties, urging Canadian annexation and expressing other extreme views, some of which he privately declared were Grant's. John C. Hamilton warned the Secretary that he would be a poor choice.³⁸ "Is a person who has committed himself as Mr. Jay has—who has expressed publicly the opinion of General Grant, as Jay has—the proper person to negotiate a settlement? If the British territory is now to be sought is it not wisest to open the negotiation with a statement of our claims, and avoiding

³⁴ Fish wrote S. B. Ruggles on May 18: "As to the negotiations with England, the public mind on both sides is too much excited, and on one side too much irritated, just now, to hope for any benefit from an *immediate* attempt to renew the discussion between the two Governments. *Next*, whenever negotiations are renewed, they should take place *here*, but this should be only gently hinted at." Letterbooks.

³⁵ Jay to Fish, March 13, 1869; Fish Papers.

³⁶ *Education of Henry Adams*, 237; Badeau, *Grant in Peace*, 197.

³⁷ Pierce, *Sumner*, IV, 380.

³⁸ J. C. Hamilton to Fish, April 7, 1869; Fish Papers.

the intricacies of the previous negotiations, to place the matter simply and clearly on the high ground taken by my father in Washington's Cabinet?" Hamilton added that Jay was weak, vain, and erratic. "I entreat you—I entreat you—to send some *very prudent man* to London." Moreover, Sumner's influence in behalf of Motley was for evident reasons potent. The Chairman of the Foreign Relations Committee twice urged the appointment upon Grant.³⁹ How many times he spoke to Fish we do not know; doubtless repeatedly. (He also pressed Fish to name his old friend Samuel Gridley Howe as Minister to Greece.) While Grant never really took to the urbane historian, and at a later date spoke caustically of Motley's superior manner and way of parting his hair down the middle, he was anxious to please Sumner. Badeau was under obligations to Motley for helping him revise his work on Grant's military career, and also lent his voice. On April 12, the day before Sumner's speech, the nomination was announced. It seemed unexceptionable.

On their occasional meetings Fish had been impressed by Motley. Tall, graceful, with delicate yet firm features, a noble forehead, and large, lustrous eyes, he could not enter a room without impressing every man, and as his friend Bismarck put it,⁴⁰ "exciting the curiosity and sympathy of the ladies." Born in Boston, he had played as a boy with Wendell Phillips and Thomas Gold Appleton. A student at Göttingen, he had delighted young German aristocrats by his wit and skill in argument, and had made a boon companion of Bismarck. In St. Petersburg as secretary of legation he had waltzed in stately salons and enjoyed the splendor of Alexander's court. He had written essays for the *North American Review*, and been one of the first to urge Balzac upon the American public. Spurred by the success of Prescott's histories, he had marked out the rise of Protestantism in England and Holland as his field. While writing his first books he had made himself at home in London society, and become a favorite in Brussels and at The Hague. Now, at fifty-five, his literary laurels were still fresh and gleaming; a dozen years earlier his *Rise of the Dutch Republic* had sold 15,000

³⁹ Pierce, *Sumner*, IV, 381. Sumner, entertaining Motley at dinner before the inauguration had suggested that the historian go back to Vienna. "No," said Motley, "I want to be Minister to England." Sumner, at first surprised, agreed to back him vigorously for the post. John T. Morse, the *Nation*, Vol. 110. Fish later described the appointment of Motley as due primarily to Sumner's "influence and urgency," which was true. Fish to Moran, December 30, 1870; Senate Exec. Doc. 11 41st Cong., 3rd Sess.

⁴⁰ Oliver Wendell Holmes, *John Lothrop Motley*, 19.

copies in Great Britain, and been discussed by every American with an interest in letters.⁴¹ When he stayed in England in 1859-60, the doors of Holland House, Lansdowne House, and other great mansions were thrown open to him, and Macaulay, Carlyle, and Froude assisted in welcoming him.

Half Europeanized, he still remained half American. He had served for a year in the Massachusetts Legislature. He had kept a place in Boston society; he was a member of the Saturday Club, a close friend of Holmes, Agassiz, and Longfellow, a lover of the Frogpond. He had been as passionately on the anti-slavery side as Sumner or Wendell Phillips. At the outbreak of the Civil War he had hastened home to offer his services. Sent back to Europe as Minister to Austria, he had performed labors of real value. Moving amid a feudal society which felt a natural sympathy with the South, compelled to deal with the problems raised by the Archduke Maximilian's adventures in Mexico, he had behaved with tact and wisdom.⁴²

His principal fault was that he was too passionate and impetuous. His friend Holmes speaks of him as hotly impulsive from youth, with a tendency to become fevered and irritable.⁴³ His historical works breathe a Protestantism as vehement as if he were writing in the period of St. Bartholomew's massacre and the Spanish Armada; though all the New England historians, Parkman, Prescott, Palfrey, and Bancroft, were Protestant to the core, he alone showed the fierce intolerance of Froude. So with the sectional issue. He lashed out against the "very dirty politics" of the South; he wrote of "Jeff and Stonewall and the other Devil-Worshippers."⁴⁴ In 1866 one George H. McCracken, who was never satisfactorily identified, wrote President Johnson from Paris that nearly all the American Ministers in Europe were enemies of the Administration, and that Motley was "a thorough flunkey" who had called the President a deserter. On Johnson's orders, Seward interrogated a half dozen Ministers. Motley alone of these men flared up angrily, took the inquiry as an insult, and in a burning letter both denied the charge and offered his resignation, which was accepted. While this denoted a proper pride, it also denoted an improper and very character-

⁴¹ John Spencer Bassett, *American Historians: The Middle Period*.

⁴² See the two volumes of Motley's *Correspondence*, edited by George William Curtis, and the additional volume edited by Susan and Herbert St. John Mildmay.

⁴³ Holmes, *Motley*, 10, 82.

⁴⁴ *Ibid.*, 121.

istic rashness.⁴⁵ Because his faults were well known, Motley's appointment by no means met universal approval. Fish himself felt uneasy when Sumner's speech followed it by only twenty-four hours.⁴⁶ Charles A. Dana railed against Motley in the *Sun*, begging the Administration not to "send a boy to do the work of a man."

VI

The first important step was to give Motley his instructions. Fish wrote John C. Hamilton on April 22 that this subject had caused him "deep concern" and no little perplexity.

Since the American Senate had rejected a proposal to arbitrate, it seemed proper for Washington to make some counter proposition; but what, he asked, could it offer? He did not believe that the *private* claims against Great Britain were either large or easy to define. Most owners of ships and merchandise destroyed by the Confederate cruisers had been satisfied by their insurance policies; most of the insurance companies had in turn indemnified themselves by advancing their rates—in fact, insurance firms had never made more money than during the war. Our real claim against Great Britain was national, but it was equally difficult to express. We had always complained of the premature recognition of Confederate belligerency, and in Fish's opinion it had indeed been a hasty and damaging act. But on the other hand, "our whole history and policy have been one of sympathy with rebellion and revolutionary movements," and we could hardly ask indemnification because Great Britain had imitated our example! We had never acted quite so hurriedly as England, "but the question of *time* is one of judgment."⁴⁷

We had always complained, again, of the manifest unfriendliness of the British ruling classes, which encouraged the rebellion and protracted the war by not less than a year; and we also complained of the policy which had caused the transfer of our commerce to other flags. But how draw up a bill? "These losses, if estimated in money value, amount to not less than a thousand million of dollars. No nation will or can consent to such a verdict. The value can never be paid in *money*."

⁴⁵ See *N. Y. Times*, June 7, 1869, for an interesting article on McCracken. And see John Bigelow, *International Review*, 1878, for a sharp criticism of Motley in Vienna.

⁴⁶ *The Nation*, May 27, 1869.

⁴⁷ On this subject see E. D. Adams, *op. cit.*

It may be compensated by a territorial concession, but *to suggest this to Great Britain is to assure its refusal.*"

Since a counter-proposal was difficult, the best plan would be to wait until England could offer more, and America was ready to take less:

Perhaps we might say (generally) that the recent treaty rested upon a theory so entirely inadequate in the views of our people . . . that we do not deem it expedient or in the interest of good feeling and friendly relations between the two countries (at this time) to present any counter-proposition, but to wait until the views of the two parties shall have approximated more nearly. That we desire the difference of the two nations in the doctrine and practise of international law, as it relates to the rights and duties of both neutrals and belligerents, to be established for the future, in any settlement now to be made. . . .

I have not definitely determined upon the line of argument to be adopted in framing the instructions. You see the direction in which my mind is now tending. Mr. Motley will not, for "private reasons," leave until the middle of June, and I think (but *do not say so*) that whenever negotiations are resumed, the atmosphere and the surroundings of this side of the ocean are more favorable to a proper solution of the question than the dinner-tables and the public banquetings of England.

While Fish was thus pondering the instructions he dined at George Hooper's house with Sumner. After dinner Sumner suggested that it would be helpful for Motley to prepare a "memoir" of his own views, and Fish assented. A few days later the Secretary was lifting amazed eyebrows over this memoir—over passages which he would never have believed a sober historian and experienced diplomatist could have written. As it has never been published or summarized, it is worth describing briefly.⁴⁸

Motley had labored under two delusions. One was that Sumner's speech constituted an irrefutable summary of the American case, and committed the government to a position from which retreat was impossible. The other was that he would represent in London both Sumner and the State Department, the Department being decidedly the less important of the two. His memoir was a prolonged echo of Sumner's fulmination, with a few intensifications of his own.

He began by writing that it would be necessary to explain why the Senate had so brusquely rejected the Johnson-Clarendon Convention—a rejection that was sustained by a large majority of the American people. He would tell Lord Clarendon that "a deep sense of national wrong,"

⁴⁸ Fish's copy is in the Fish Papers.

over and above all pecuniary losses, pervaded the North; that until England offered due "recognition and atonement," there was danger that "the wound will continue to fester." And he would kindly explain to England the history of this sense of national wrong. In 1861 a great insurrection had been organized by slaveholders. "Slavery was the beginning and end of the proposed confederacy, its only reason and its ostentatiously avowed reason for a separate existence." While the North was still incredulous, the Lincoln Administration had come into power. It had hoped that the nascent Southern movement, as yet marked by no hostilities save the "nominal siege" of Fort Sumter, would soon prove still-born. But to reoccupy the forts and other national property, it must take possession of the Southern seaports. "A blockade was accordingly signified, but notwithstanding the use of the technical term it was expressly understood in the council of the Chief Magistrate that the measure was not an act of war." However, while as yet "not a drop of blood had been shed or a shot fired upon the battlefield," while men still hoped that they faced only a "transient mutiny of the slave power which would soon bow before the majesty of the law," they were startled by news from England. They had hoped that Great Britain, which had wiped out the African slave trade, which had expended twenty millions sterling to free the West Indian slaves, which in short had led the world in the crusade against an accursed institution, would take a firm stand beside the North. They recalled the eloquent appeal of the women of England against American slavery. "The amazement therefore, and the revulsion of feeling caused by the announcement that anti-slavery England had suddenly and swiftly proclaimed a virtual recognition of the new slavery-engendered confederacy which was not yet in existence, and had conceded to it the right of lawful war-making, on land and sea, before it had made war at all, would be difficult to portray." Motley went on:

This virtual recognition by Great Britain of the independence of the so-called Confederacy, while rebel envoys were in London and before the envoy appointed by President Lincoln had arrived, was the fountain and origin of the evils by which we are now oppressed, and which have ever since poisoned the kindly relations between two great nations. To recognize the confederacy was to doom to death, so far as an English decree could doom it, the American republic. There is no use of disguising or paltering with this fact. No true American could admit a possible existence of our great and cherished commonwealth side by side with this pretended slave empire. . . . For a foreign power

to recognize the pretense as a fact seemed a most unfriendly, perhaps a fatal blow. Yet this is what was done, and it is to be noted that it was not done in ignorance. Thenceforth the existence of this government was virtually denied.

We can imagine the astonishment with which Fish read this opening of an argument which out-Sumnered Sumner. As history it was decidedly peculiar. The statements that slavery was the beginning, the end, and the only reason for the Confederacy; that the Union blockade was not an act of war; that not a drop of blood had been shed or a shot fired on a battlefield when England proclaimed her neutrality—all these were absurd. Any schoolboy would have laughed at them. But if this was Motley's history, what of his international law when he wrote that the British proclamation of neutrality was "a virtual recognition" of the independence of the Confederacy? He not only wrote this, but repeated it. The so-called concession of belligerent rights, he declared, is always "the virtual recognition of a new and independent state." Such recognition is so beneficial to the revolted state, so injurious to the lawful government, that it is justifiable only "when the contest is protracted."

From this he went on to assert dogmatically that the Southern "mutiny" would soon have collapsed but for the British proclamation. All the pride, the heroism, the devotion of the Southern people, the valor of the armies of Lee and Stonewall Jackson, the endurance which kept eleven States fighting four years against overwhelming odds—all this rested upon a single British declaration of neutrality! Wrote Motley:

It is difficult to exaggerate the importance to the rebellion of this first and almost fatal step taken towards it by England. That early recognition breathed into the so-called Confederacy the breath of such life as it was ever destined to attain. The moral influence of the English manifesto, and the immense sympathy of the governing classes with the insurrection, inspired it with legitimate hope and inflamed the already exuberant courage and the terrible but misguided energy of the insurgents.

What might possibly have been a transient mutiny deriving its chief importance from the vast geographical surface over which it was spread, was at once lifted by foreign decree into the region of civil war on land and sea.

Motley then brought forward Sumner's curious distinction between land belligerency and sea belligerency. On land, the British proclamation had little practical result, but on sea its effect was far-reaching and

all-important. It and it alone, without shadow of excuse, gave the Confederacy a navy:

There can be no doubt that the accordance of ocean belligerency to the insurgents was a violation of fact. All governments are facts. The United States Government was a fact. The United States ports and harbors were facts. Her organization of Admiralty jurisdiction and prize courts was a fact. Her belligerency at sea was a fact. But there was no rebel navy, no rebel port, no rebel prize court, there were no rebel dockyards, no ships nor power to build ships, no sailors to man them, no guns to put into them, if built and manned. Belligerency at sea was a fiction, not a fact. The proclamation of neutrality came suddenly to convert fiction into fact and to place Great Britain at the disposal of the rebels for their naval base and arsenal, with British ships, guns and sailors, as long as they could pay for them.

What, asked Motley, was the result? The British proclamation, sheltering and encouraging blockade runners from British ports, nullified Lincoln's attempt at a close blockade; though in its early stages the insurrection might have been suppressed by this "gentler means of coercion." Nor did the British live up to their neutrality. History, Motley wrote, "must with pain and reluctance place forever among its facts, that throughout the struggle, and until four or five months after its close, there was never a moment when warships, built in England, equipped under English jurisdiction, armed with English cannon and manned with the mariners of England, were not plundering American merchant vessels and burning them on the high seas." Individual losses were slight when compared with the "incalculable injury inflicted on the nation." Here he adopted *in toto* Sumner's claim for indirect damages. Not only had American property been sunk or burned, insurance rates raised, registries transferred; in addition, the United States must point to—

The protraction of the rebellion through the direct agency of Great Britain in virtually recognizing the rebellion as a state, in the very first hours of its pretended existence, and by the aid and comfort given to it by British subjects to an extent such as, in the words of an illustrious and lamented British statesman, Cobden, they could hardly have inflicted more damage upon the United States if the government had levied actual war upon them and gone forth to bombard their principal cities; the prodigious accumulation of debt owing to the protraction of the conflict through these influences; the hundreds of thousands of slaughtered men of both contending parties, who might now be alive enjoying liberty, pursuing happiness, and adding to the wealth of the

world;—all this damage cannot be measured; but the memory of the wrong must grow ever deeper until there has been recognition and atonement.

This memoir, running to 15,000 words or more and full of phrases which would again have stung the British to anger, stunned Fish. What did Motley think could be gained by his loose history, his reckless international law, his angry words about “pirates” and “eyes blinded by passion and prejudice” and “a sin against humanity, a disgrace to civilization?” Taking a copy, he returned the document to Sumner. With a single emphatic comment,⁴⁹ he then shut his copy in a drawer.

VII

Obviously, the only prudent course was to bind Motley in hard and fast terms. Advice to this effect was meanwhile coming from men who knew nothing whatever of the “memoir.” Three persons well acquainted with Motley assured John C. Hamilton, each independently, that his temperament was dangerously irritable. “If this be so,” Hamilton warned the Secretary,⁵⁰ “it will occur to you that his instructions ought to be such as to keep him quiet.” Fish heard from his friend Thomas Balch to the same effect.⁵¹ “Motley is the man to be feared. You must secure him.” Motley himself came to the State Department about this time to report that Gladstone, on learning of his appointment, had complained to Lord Clarendon about it; the historian, said Gladstone, had once called him a liar. Motley denied any such offense. He explained that after Gladstone’s famous Newcastle speech, he had severely criticized the English statesman in a dispatch from Vienna to the State Department, later published; but that it was his sincerity he had questioned, not his veracity. Gladstone probably failed to see any great difference! Fish did not think the matter worth mentioning to President Grant, but it recalled another of Motley’s impulsive acts.⁵²

The Secretary therefore took pains to write an extremely careful set of instructions to Motley. Drafted early in May, this document followed precisely the lines he had indicated in his letter to Hamilton. As he believed that Great Britain had a perfect right to her own judg-

⁴⁹ Fish mentions this comment to Sumner in a letter dated July 19, 1870; Letterbooks. Unfortunately he does not quote it. He tells us he seldom swore.

⁵⁰ J. C. Hamilton to Fish, May 9, 1869; Fish Papers. Hamilton had written May 1 praising Fish’s decision to have the negotiations renewed in Washington, not London.

⁵¹ Balch to Fish, May 17, 1869; Fish Papers.

⁵² Diary, April 19, 1869.

ment as to the time of recognizing Confederate belligerency (though he thought that judgment at fault), he said nothing of the Queen's proclamation. Nor did he mention either the private or national claims; the subject was to rest for the moment. In his short paper, Fish instructed Motley to say merely that the rejection of the Johnson-Clarendon Convention was in perfect accord with American public opinion; that it implied no discourtesy to the British Government; that the Convention had not removed our sense of existing grievances, or offered a real and substantial satisfaction, and would therefore have left in America a dissatisfaction "between two great nations of common origin, common language, common literature, and common interests and objects"; and that it seemed proper to suspend the discussion until the excitement growing out of the rejection had subsided. But, he added, the American Government wished to resume the subject as soon as this object was attained. It would then desire to obtain not only a remedy for its past grievances, but an agreement for the future upon the rights and duties of neutrals in time of war. In short, the document was a brief, courteous, and precisely-worded proposal for a mollifying delay.

When these instructions were read to the Cabinet, Sumner heard of them through Boutwell; and the moment he learned of their contents he was outraged. He really believed, with the fanaticism characteristic of his mind, that the British proclamation and general British attitude had doubled the length of the war, and that we should seize every opportunity to drive that point home to the British public. He flared up instantly, and for a few days threatened a complete rupture with Fish.⁵³

Bancroft Davis first felt the weight of Sumner's wrath. The dignified Assistant Secretary returned home from the State Department on Thursday, May 13, to find that Sumner had called thrice. He soon came again. Greatly excited, he launched into an oration. "Is it the purpose of this Administration," he demanded, "to sacrifice me—me, a Senator from Massachusetts?" Davis explained that he had better talk with Fish himself, and offered to make an evening appointment. As Sumner retired, his hands trembled so violently, his voice was so harsh and strident, his lack of self-control so obvious, that Davis feared his mind had been affected.⁵⁴

That evening the agitated Senator was received genially by Fish. They talked indoors, and then, tempted by the soft May evening, con-

⁵³ Pierce, *Sumner*, IV, 393 ff.

⁵⁴ Davis, *Mr. Fish and the Alabama Claims*, 31.

tinued their conversation on the doorstep. Sumner renewed his protests, while Fish argued with him. At last, as the Senator again lost self-control, his voice became so loud that Fish halted him. "Sumner, you roar like the bull of Bashan," he said. "The police will be after us. I think we had better adjourn."

Early next day the Senator came to the State Department and staged another scene. Fish placed the full instructions in his hands. He paced angrily up and down, declaimed in stentorian tones, and said that he would get Motley to resign. Fish, whose opinion of Motley had dropped to a low level, cut in with asperity: "Let him resign. I will put a better man in his place." As Sumner became calmer, Fish asked him to write out what he wished said. He penned a paragraph, but the Secretary, finding that it contained the extreme doctrine enunciated in his speech, refused to accept it. "I am too excited now," explained Sumner, "allow me to send you another paper." To this, Fish cordially assented.

But Sumner never knew the meaning of the word compromise. After submitting a draft paragraph, in a harsh note he immediately withdrew it! And he added a distinct threat. "On careful consideration," he informed Fish, "it seems to me better that I should withdraw that sketch in pencil, which was an attempt on my part to harmonize the ideas of the Administration with a just statement of our case against England. The sketch is inadequate, and does injustice to the strength of our case, which I am unwilling in any way to weaken. It will be for Congress to determine hereafter how much shall be claimed, and on what ground. The publication of the *Alabama* correspondence, which is now proceeding on the order of the Senate, will be the signal for debate, and I do not doubt that this question will occupy much of the attention of the next session. Seward has always anticipated the time when Congress would take jurisdiction." He went on menacingly.⁵⁵

Under these circumstances, I am more than ever satisfied that, as chairman of the Senate Committee, I ought not in any way to be a party to a statement which abandons or enfeebles any of the just grounds of my country, as already expounded by Seward, Adams, and myself. As you were kind enough to give me an opportunity of expressing an opinion, I owe it to frankness to declare my dissent from the course proposed. I do this in all kindness, and only under a sense of duty.

The only person I have spoken with on this question is Mr. Cushing, who,

⁵⁵ Fish Papers; dated only "Monday morning."

after perusing my speech again and consulting his books, affirms its absolute conformity with the Law of Nations and its moderation of tone. I am sure that good lawyers, who look into the question, must come to the same conclusion. I do not doubt what will be the judgment of Congress. It will not take any steps backward.

I regret that Mr. Motley's own programme has not been adopted, believing, as I do, that it is in harmony with the public convictions, and with the law. It is rare that the cause of the country has so eloquent a defender. I wish he were allowed to speak according to his own enlightened discretion. The cause cannot suffer through him. . . . We are beginning the greatest international debate of our history. I hope that nothing may be said at the outset for us to regret hereafter.

This bellicose letter Fish read with pain. Sumner's threat as to what he would do as head of the Foreign Relations Committee if the State Department policy displeased him was quite uncalled for. His endorsement of Motley's preposterous assertions was alarming; his suggestion that Fish ought to abdicate and let Motley "speak according to his own enlightened discretion" was almost insulting. Nevertheless, Fish replied courteously. He had been on the point, he wrote, of using Sumner's draft paragraph almost *in totidem verbis*, and was sorry to have it withdrawn. "I think that you are scarcely doing justice either to me or to the Administration. We have but one object, and differ only as to some incidents—they may be of more importance than I suppose, or of less than you think, but can hardly be of sufficient importance to break up an effort at negotiation or to break down an Administration. I trust, therefore, you will reconsider the intimations of your letter."

At this point Caleb Cushing, just back from a special mission to Colombia, offered Sumner and Fish his services to break the deadlock. They accepted. The result, as Fish wrote later, was "a *slight* alteration in the two last paragraphs." It was so slight that Sumner's authorized biographer, E. L. Pierce, misstates the plainest facts (as he misstates many) when he says that the Senator was content. The sequel showed that he was not. On all essential points Fish stood his ground. The principal issue between the two men was whether the Administration should emphasize, as Sumner had done, the recognition of Confederate belligerency as a basis for enormous claims, and equally emphasize the evil effects of British sympathy with the South. It did neither. The final instructions said nothing whatever about British sympathy. As to belligerency, they read:

The President recognizes the right of every Power when a civil conflict has arisen within another state, and attained a sufficient complexity, magnitude, and completeness, to define its own relations and those of its citizens and subjects toward the parties to the conflict, so far as their rights and interests are necessarily affected by the conflict.

The necessity and propriety of the original concession of belligerency by Great Britain at the time it was made have been contested and are not admitted. They certainly are questionable, but the President regards that concession as a part of the case only so far as it shows the beginning and the animus of that course of conduct which resulted so disastrously to the United States.

The right of every Power "to define its own relations" to a vigorous civil conflict abroad was precisely what Sumner and Motley did not recognize! Such definition, Motley had written, "is only justifiable when the contest is protracted," and Sumner had endorsed this statement. Both had said that the Queen's proclamation was part of the American case because it quickened into life a hesitant revolt; but Fish wrote that it was part of the case only because it showed the original British bias which resulted in the escape of the cruisers.⁵⁶ Fish went on: "The President is careful to make this discrimination because he is anxious as much as possible to simplify the case, and to bring into view these subsequent acts, which are so important to determining the question between the two countries."

Because he distrusted Motley, he closed with the most explicit injunction:

You will, therefore, be pleased, in your social and private intercourse and conversation, as well as when it becomes necessary in your official conversation and intercourse, to adopt this view of the issuance of the declaration of neutrality by Great Britain, and the other Powers, and to place the cause of grievance against Great Britain, not so much upon the issuance of her recognition of the insurgents' state of war, but upon her conduct under, and subsequent to, such recognition. And it is desirable that you avail yourself of early and suitable occasion, in your social intercourse with the representatives of other Powers which made similar recognition, to let them understand the position of this Government on that question, and that the United States makes such recognition by them no ground of complaint.

VIII

Late in May Motley departed. He had not yet broken the seal of his instructions, but wrote Fish to say ⁵⁷ "how sincerely I appreciate your

⁵⁶ Davis, *Mr. Fish and the Alabama Claims*, 35, 36.

⁵⁷ Motley to Fish, Brevoort House, May 18, 1869; Fish Papers.

kind words and wishes, and how deeply anxious I am that the delicate and responsible business entrusted to my hand may be faithfully performed." At Grant's request, he willingly took Badeau along as assistant secretary of legation; for Grant wished Badeau to learn something of diplomacy, and thought Motley could give him an agreeable introduction to London society. Indeed, Badeau had fair qualifications for the place. Though given to drink, the stout, red-faced little officer was shrewd, affable, and known in England as a military critic of ability.⁵⁸ But on the steamer, a rift appeared between him and Motley. He had asked Grant for personal instructions upon the tone which he should assume in conversation with Englishmen. Grant unhesitatingly told him to emphasize the Administration's desire for a harmonious adjustment of differences. "I particularly do not intend to dispute the right that England had to acknowledge the belligerency of the South. Say this in conversation constantly. Make opportunities to say that you know this is my position and that I authorize you to declare it." During the voyage Badeau incautiously mentioned Grant's statement. Motley, with different ideas upon belligerency, sharply requested him to keep his lips closed, saying that it would be gravely embarrassing if he "assumed to discuss political matters at all." This revocation of Grant's instructions was ominous.⁵⁹ As Lord Houghton later remarked, Motley was a historian used to meting out praise and blame to governments, and could not understand that he was to take orders from them.

It was a chilly England to which Motley sailed. Moran of the American legation, attending a party at Gladstone's house on May 5, found a bad spirit aroused by Sumner's speech and "much ill-feeling toward the United States." Reverdy Johnson had learned from Gladstone that the Government would make no further move, but let the matter rest. "The Prime Minister says England has gone as far as she can, and has given us the best terms she intends to grant." The War Secretary, Viscount Cardwell, declared that he had been in the Ministry when the Queen's proclamation was issued in 1861, and that he and all his colleagues had then thought the act one of friendship to the North. On May 13 Reverdy Johnson and Moran together visited Lord Clarendon. He was cordial and friendly; but "in talking of Mr. Sumner's speech he characterized it as insulting, and said the people here, even with all the good feeling they had for Mr. Motley, would not stand

⁵⁸ Education of Henry Adams, 263.

⁵⁹ Badeau, Grant in Peace, 197 ff.

any remarks like those of Mr. Sumner from him." William E. Forster on May 20 delivered a remarkably strong reply to Sumner at Bradford. On the evening of May 31, the day Motley and Badeau arrived in London, Moran dined at Mr. Milner Gibson's. "All present spoke of Mr. Motley, and Lord Westbury called him 'irritable,' giving Sir Henry Holland as his authority."⁶⁰

Lord Clarendon's feelings could not have been improved by what he heard from Minister Thornton. Late in April that diplomat sent him printed copies of a letter addressed by the well-known lobbyist, Robert J. Walker, to the Nova Scotia League. This letter painted in glowing and seductive colors the advantages that everyone concerned, but especially the Canadian people, would reap from American annexation of the Provinces. At a later date the *Baltimore Sun* published a dispatch from its Washington correspondent declaring that Walker had inspired much of Sumner's speech with a view to furthering the plans of the Nova Scotia annexationists. "I think it not improbable," commented Thornton, "that there is much truth in this statement."⁶¹

But on both sides responsible leaders now bestirred themselves to produce a pacific atmosphere. The British Ministry refused to let the subject be debated in Parliament. When Sir Henry Bulwer attempted to bring forward a motion, Gladstone insisted that he drop it. The *London Times* on July 9 asked Englishmen to abandon the "tedious, troublesome and irritating controversy." In America, Fish was endeavoring to produce a more enlightened view of the subject. He knew that most people believed Sumner's speech the controlling factor in the Senate's overwhelming vote, and that many therefore hesitated to dissent from it. But he also knew that many Senators had objected strongly to the speech while quite approving the vote. He therefore exerted himself in a number of directions.

When Robert C. Winthrop suggested that Bishop C. P. McIlvaine of the Episcopal Church, about to visit England, might help allay irritation there, Fish leaped at the proposal. He wrote Winthrop:⁶²

⁶⁰ Moran's Diary, May, 1869; a revealing document. Moran disliked Reverdy Johnson for his senile weakness, Motley for his haughty irritability; but he liked the next Minister, Schenck.

⁶¹ PRO, FO, Vol. 1160; Thornton to Lord Clarendon, April 26, 1869. The *Baltimore Sun* story was November 15, 1869; FO, 5, Vol. 1163, Thornton to Clarendon, November 15. On June 8 Thornton commented to Clarendon on a letter to John Bright, published in the Washington press, suggesting the cession of British Columbia to the United States. "It seems to resemble Mr. Sumner's composition."

⁶² Fish to Winthrop, May 29, 1869; Letterbooks.

"I do not regard our relations with England as critical, but they are embarrassing, and embarrassed by recent utterances, which are calculated to raise expectations too high on one side, and to excite irritation and pride on the other; and some recent sayings (*me judice*) are not wholly tenable as expositions of public law, or as logical deductions, either in argument, or of fact." Bishop McIlvaine came to Washington,⁶³ where Fish requested him to do something in England to remove popular misapprehensions and prevent intemperate speeches or publications. Fish also replied at length to a letter from Carl Schurz, one of Sumner's allies. Schurz had proposed that we explain to Great Britain that the Johnson-Clarendon Convention had been rejected, first, because it disregarded the national as distinguished from private claims, and second, because it settled no rules of neutrality for the future. We should leave the question open, "waiting for opportunities"; but meanwhile should give a cautious hint of our desire for Canada, and Motley should be told to speak freely in private conversation of the strong wish of the American people for the North American Provinces. Fish in his reply made no mention whatever of Canada. But he seized the opening to educate the Senator upon his view of the Queen's proclamation. Motley, he wrote, had been told to say "that other nations recognized belligerency as soon as England—but we make no claim against them—that the concession of belligerency enters into the account only in connection with the *acts* that followed—that he is to impress this on the representatives of other governments, so as to leave Great Britain alone."

Above all, Fish tried to inspire articles in the press and magazines which expounded a moderate view of the situation. He outlined to S. B. Ruggles⁶⁴ his view of the way in which Sumner's ideas might be rebutted. Both Ruggles and Lieber, he hoped, would take up their pens:

The eloquence and the display of learning and of research in Mr. Sumner's speech, and perhaps above all the gratification of the laudable pride of a people in being told of the magnitude of wealth in reserve for them in the way of damages due from a wealthy debtor, have captivated some and deluded more of the public. Time is necessary to think this over calmly. If any sensible articles could now be brought before the public calmly considering the question, they would do good.

⁶³ Fish invited him, May 25, 1869, with the hope that he might "remove some misapprehensions" on the part of the English people; Letterbooks.

⁶⁴ Fish to Ruggles, May 18, 1869; Letterbooks.

Public law recognizes the right of a sovereign power, when a civil conflict has broken out in another country, to determine whether that conflict has attained sufficient complexity, magnitude, and completeness to *require* (not merely to *excuse*) for the protection of its own interests and peace, and of the interests, relations, and duties of its own citizens or subjects, a definition of its relations, and of the relations of its citizens or subjects to those of the parties to the conflict.

In the exercise of this right, the foreign power is responsible for the general obligations of right and must be guided by *facts*, not by prejudice for or against the parent country, or the insurgents—least of all against the parent country, when well established, and a friendly Power.

Having defined its relations to the parties in the civil conflict, as one of neutrality, it must enforce its neutral position, allow no infraction thereof, give no favor.

England professes to have exercised only what is a recognized right of a sovereign foreign power.

We have held she was precipitate. Much may well be said on this side. She had promised to await Mr. Adams' arrival, but anticipated it, and of course any information or explanation he might make. Still England says, "The United States had declared a blockade, which is 'war'; the Confederates had announced 'letters of marque'; which mean war; both sides had levied large armies; forts had been seized, etc."

This would seem to give some justification to her concession of belligerency, and deprive the complaint of this act (of concession) of some of its force. Then again, France and other Powers were contemporaneous with England in the same concession. The United States makes no claim against them, and it is important to separate them from any intent to unite with England in resisting the claim.

The complaint against England is that she subsequently allowed acts inconsistent with neutrality. These acts (to a certain extent) reflect back upon the act of concession of belligerency, and to this extent alone should the complaint be limited of the proclamation of neutrality. No other nation which conceded belligerently, even at or about the same time with England, was guilty of such subsequent causes of injury.

The British proclamation of neutrality is therefore subject of complaint, *only as leading to, as characterized by, and authorizing in its execution and enforcement* the fitting out of the *Alabama*, etc., the acts of hospitality, etc., given in their colonial ports to those piratical cruisers, and as leading to the moral support given in England to the Rebel cause.

Various pacific articles in the press bear evidence of Fish's inspiration. Lieber wrote for the *Evening Post*. Godkin in the *Nation*, hinting at inside knowledge, emphatically denied that Motley's instructions agreed with Sumner's views. "We venture to assert positively that with Mr.

Sumner's legal positions he does not agree, and that he will not attempt to maintain them, and indeed no lawyer of good standing in the country would advise him to do so." John C. Hamilton published an article in the *Tribune* of June 10 which greatly pleased the Secretary. The *World* furnished a steady series of moderate editorials. Several of Fish's friends wrote and even cabled to Great Britain to give a better turn to discussion there. Fish, knowing that Thomas Balch was in close communication with Somerset Beaumont, M. P., and others, sent him on June 12 a significant letter:

I return the letters enclosed in yours of the 5th and 7th. Within a day or two we shall probably hear from Mr. Motley and know *how* he was met. Sumner's speech continues to trouble our transatlantic friends. No wonder they have not until recently, had presented to them the *American* estimate of the *grievances* sustained by the course of England. Sumner's speech presents that, and the statesmen of Great Britain ought to look at it calmly *as an estimate of "grievances"* and convince themselves that the American people really feel that they sustained grievances to the extent Sumner has pictured. As an *American* estimate of grievances it is not overwrought.

When England shall realize that our people honestly *think* they have suffered to the extent he (Sumner) sets forth, there will be no further trouble. It is not every grievance that is, or that can be satisfied "in damages." A single kind word would have removed the remembrance of many of those we feel—perhaps it still may do so. But the kind word has not yet been spoken.

The actual positive pecuniary loss (by destruction of property) is enormous—this is capable of estimation. *Consequential* damages not so easy of estimation. Statesmanship should be able to direct negotiations to a satisfactory adjustment of this branch of the question. A little concession sometimes produces a great impression, and works large results.

On Fish's instructions, John Jay paused in London en route to Vienna to lend a hand to the good work. Dining at Cyrus Field's house to meet John Bright, and at George Shaw Lefevre's to meet other staunch friends of the North, he assured anxious Englishmen that the Administration did not take Sumner's position, and hoped for an amicable settlement of the pending questions.

IX

Above all else, it was important not to let political considerations, mere greed for votes, force the adoption of Sumner's views upon the Republican Party. When certain Pennsylvania politicians, led by An-

drew F. Curtin, Simon Cameron, and John W. Forney, made gestures toward exploiting the *Alabama* Claims in the fall elections, Fish decisively interfered. They had planned to have Curtin begin the rabble-rousing by an address at a farewell banquet in Philadelphia on his departure in June for St. Petersburg. So, at least, the press reported.⁶⁵ Fish at once sent a cautionary note to Curtin. In substance, he ordered the Minister to Russia to attend his own job, and not embarrass the Minister to England by unnecessary speechmaking at home or abroad. Curtin wrote a submissive reply, saying that he had not expected to discuss the foreign policy of the government.⁶⁶

Altogether, by the middle of June the Secretary could draw a less anxious breath over the English situation. The press was growing quiet; the cede-Canada-or-fight speeches by Ben Butler and Zack Chandler had fallen quite flat. All those powerful and almost irresistible forces which make themselves felt whenever the good relations of the two great English-speaking nations are threatened had come into play. "Sumner," Fish wrote Sidney Webster,⁶⁷ "dislikes especially the attribution of the rejection of the treaty to *more than one* train of argument, etc., and the diminished prominence given to the original proclamation of neutrality—that was his *especial* thunder." But what harm could Sumner now do? The discussion would soon be brought back to a rational level. It would be conducted in Washington, by Fish himself, and not in London. The Secretary would stick to law and avoid sentimental grievances; he would be moderate; he would not encourage the United States to look at Canada as a tiger looks at a sheep. He hoped that England would grant independence to the Provinces, leaving the question of annexation to be settled by them. But that was essentially a problem for the British Empire. Threats, exaggerated claims, and insults to British pride would in any event defeat our aims.

It was obvious that Sumner had engaged in a deliberate plot to gain control of the Anglo-American negotiations. Soon after Grant's election the Senator had indicated to Representative John V. L. Pruyn that he was willing to become Secretary of State.⁶⁸ When Fish was ap-

⁶⁵ The *N. Y. World*, *Tribune*, and *Nation*, June, 1869 are full of the plan to make the British question a Republican issue; see especially the *World*, June 11, 1869. The *Nation* was caustic, and praised Fish warmly for his opposition.

⁶⁶ Curtin to Fish, June 9, 1869; Fish Papers.

⁶⁷ Fish to Webster, May 30, 1869; Letterbooks.

⁶⁸ MS. Diary of J. V. L. Pruyn, December 12, 1868. He talked of the "possible or proba-

pointed, Sumner thought of him as inexperienced and pliable, a view strengthened by Fish's letter asking for aid; while he regarded Grant as utterly green. ("Our friend Charles," Oliver Wendell Holmes once remarked, "is a little prone to think *l'état c'est moi*.") Having freed the slaves, now he would send the stars and stripes to Hudson's Bay. For this purpose, he had delivered his bitter philippic against England only five weeks after the Administration began. He had maneuvered for the appointment of Motley. He had then maneuvered to give Motley an opportunity to write his own instructions in the spirit of the philippic. When Motley's draft was rejected, he had staged a series of angry scenes with Fish; he had attempted to browbeat him by thundering words and a threatening letter. Fish's courageous resistance had been too much for him. But had he given up the battle? Fish knew that he was still plotting; he soon learned that, selecting the most abusive of some denunciatory letters which had come to him from Englishmen, he had given them to the press to stir up ill-feeling—a characteristic act. What kind of advice was he mailing to Motley, and how was the latter accepting it? Godkin was writing a friend, "Motley's appointment is a good one from a social point of view, bad, I think, every other way. I do not think he had the necessary mental furniture for the discussion of the questions now pending between England and America, and he is too ardent." Sometimes a special apprehension seized the Secretary. It found expression in a sentence written to his son-in-law: ⁶⁹

"Newspapers to the contrary notwithstanding, Motley had his instructions before he left—if *he obeys them* no harm can be done on the other side of the water."

ble" offer of it. Pruyn writes: "He would dislike to leave the Senate, and still I fancy he would like the Secretaryship."

⁶⁹ Rollo Ogden, *E. L. Godkin*; Fish to Webster, May 30, 1869, Letterbooks.

NATIONAL interest in public questions is always incalculable, for it depends upon emotions rather than upon intellect. The nation during Grant's first few months watched apathetically his defeat by the Senate upon the Tenure of Office bill, and took little interest in other evidences that wily politicians were out-maneuvring the clumsy Executive. It paid only languid attention to the departmental reforms by Fish, Cox, Hoar, and Creswell, to the appearance of broad-brimmed Quakers in Washington to discuss the Indian question, or to the army changes which gave dashing Phil Sheridan the position next in power to Sherman, thus humiliating General Meade. Even the Southern tangle excited little concern. Reconstruction had become a bore to most people, and there was widespread agreement at the North with Frederick Douglass's advice to "let the Negro alone." The general belief was that Grant would pursue a conciliatory policy toward the Southern whites, and his first acts encouraged this feeling. The *Alabama* question was in the headlines for only a few weeks. After all, it was an old issue; after Sumner's unhappy outburst no new incident increased the feeling against England; and it was obvious that the subject would lie dormant for some time.¹

In one domestic topic, however, popular interest was intense. This was Boutwell's handling of the finances, which touched the pocket nerve; most Westerners watched suspiciously lest he try to carry forward McCulloch's policy of deflation, which Congress had checked in 1868, while moneyed Easterners hoped for debt-reduction and a rapid return to specie payments. And above all, a host of Americans took the keenest interest in one foreign question—that presented by the rebellion which had blazed up in eastern Cuba. Of all Fish's problems, it was the most exigent and disturbing.

I

Americans instinctively regarded the vestiges of Spanish dominion in the Western Hemisphere as an anachronism. They had long been

¹ The *Nation* thought that but for British excitement Sumner's speech would have caused "hardly a ripple" in America.

familiar with the harsh political, clerical, and economic oppression in Cuba, while hostility to Cuban slavery—for nearly half a million Negroes were still in bondage, and a clandestine slave trade persisted—accentuated the natural sympathy for a New World revolt against Old World rule. Desire for Cuban annexation, once largely confined to the South, had spread northward. Since the war Manifest Destiny seemed pointing to the Gulf; and when presently the *Chicago Tribune* accused the Grant Administration of frittering away its “moral power” it meant Cuba.² Though Hearst was a child in kilts and Joseph Pulitzer a gawky, impoverished immigrant who had been ejected a few years earlier from French’s Hotel on Park Row, a sensational press already existed, and under Dana’s *Sun* and Bennett’s *Herald*, at once began pounding the drum for intervention. Its wild exaggerations and consistent news-coloring led E. L. Godkin to urge that some honest newspaper place in Cuba a correspondent “charged to describe what he saw, and strictly forbidden to ‘serve the cause of human freedom’ by any reflections of his own.” At the moment this revolt furnished the only important fighting anywhere in the world. The spectacle of its carnage and brutality against a background of palm-filled valleys, blue mountains, and golden strands was picturesquely stirring.

When Carlos Manuel de Cespedes, an able lawyer and planter of Eastern Cuba, unfurled the rebel flag on his estate near the town of Yara, October 10, 1868, hopes for success seemed bright. He launched immediate attacks upon a number of Spanish garrisons, and before the end of the month captured Bayamo, a city of ten thousand people. Spain, with 19,700 troops in an island of perhaps one and a half million people, was taken by surprise. The revolt developed rapidly. The first patriot forces consisted of just 147 volunteers, who did not have a weapon apiece, but their numbers grew as by magic. Half-armed, ragged, ill-fed, but burning with zeal, by the end of 1868 they counted perhaps 15,000 men.³ They defeated Spanish detachments, cut railway lines, and soon demoralized the entire eastern portion of Cuba. The Madrid Government, despite troubles at home, dealt with the situation energetically. It ordered the Captain-General, Don Domingo Dulce, to combine military measures with attempts at conciliation; in the first year it sent the Spanish commander 40,000 men; it recruited about 12,000 contra-guerrillas on the island; and within a few months it raised

² May 4, 1869.

³ Annual Cyclopaedia, 1868, p. 708.

40,000 insular "Volunteers" for the defence of the cities. These Volunteers were Spanish immigrants or their immediate descendants, largely Catalans, bitterly hostile to the native Cubans, and as cruel in war as they were reactionary in politics.⁴ As Spain had by far the greater resources in men and arms, the Cubans resorted to a savage guerrilla warfare—for which the wild country (only 2,000,000 of the 35,000,000 acres had ever been cultivated) was admirably suited.⁵

The merciless character of the struggle shocked the United States, which had just fought a great civil war with singularly few atrocities. In January before Fish took office the Volunteers committed a frightful massacre in Havana, shooting men, women, and children in the Villaneuva Theatre and the open streets. The Cubans retaliated by burning the estates of Spanish sympathizers. Prisoners of both armies were usually shot out of hand and sometimes tortured. With turbulent and reckless men enlisted on both sides, control would at best have been difficult; instead of attempting it, patriot and Spanish leaders alike issued the harshest decrees. On April 4, 1869, Count Valmaseda, commanding in the eastern district, proclaimed that in rebellious areas all males over fifteen caught absent from their plantations without adequate excuse were to be shot; all houses not occupied by Spanish forces or not surmounted by a white flag were to be burned; and all women and children not living in their own houses or with relatives were to be concentrated in certain fortified towns.⁶ The American press was horrified. But it at once appeared that an equally bloody proclamation had come from Cespedes on February 18, to which Valmaseda's was in part a reply. Destruction and murder went steadily on, keeping the provinces of Santa Clara, Camaguey, and Oriente in turmoil. Fortunately for Spain, the Western or richest part of Cuba was hardly touched, and its commerce actually increased during the revolt.

Fish found it difficult to determine the true scope and organization of the insurrection. Late in 1868 a republican government was improvised, whose heads were Salvador Cisneros Betancourt and Ignacio and Eduardo Agramonte; while a "national convention" at Guaimaro on April 10, 1869, brought together patriot deputies from a number of towns and districts. A constitution was adopted, Cespedes was elected

⁴ Charles E. Chapman, *A History of the Cuban Republic*, 41; N. Y. press, January-May, 1869; Callahan, *Cuba and International Relations*.

⁵ J. J. O'Kelly, *The Mambi Land*, 81 ff.

⁶ Senate Exec. Doc. No. 7, 41st Cong., 2d Sess., p. 17.

president and Manuel Quesada commander-in-chief, and the old flag of the Lopez movement, bathed in so much blood, was reapproved. But the so-called government was plainly on the run. It had no capital or fixed centre of operations; holding no ports, it could receive no envoys; no territory was definitely under its control. The Cuban army was likewise a shadowy force. The wildest guesses as to its size appeared in the American press. The Spanish authorities in May, 1869, placed it at 1,200 men; Cuban representatives boasted of 28,000; and a Pennsylvanian just returned from the island reported with bold precision that it numbered 75,599, of whom 42,252 were drilling in "camps of instruction" but had no arms save sugar-knives! ⁷ Its ranks dissolved and reformed from week to week; but as Spanish resistance stiffened the rebellion unquestionably lost momentum.⁸

The universal sympathy of the American press, people, and Congress with the Cuban rebels was stimulated by large bodies of exiles and refugees who during 1868-69, as hope of peace disappeared and harsh governmental decrees aroused widespread terror, fled to our shores. They joined the existing Cuban committees in the United States, and these *juntas* became energetic centres of propaganda. They held massmeetings, arranged concerts to raise money, and published a flaming newspaper in New York. Washington soon had its own group, employing adroit lobbyists, and so did Philadelphia and Boston.

But the principal centre of Cuban activity in the United States was the New York Junta. Its headquarters were at 71 Broadway, a dignified suite of three rooms on the second floor overlooking Trinity Churchyard. The leading officers were the upright and sagacious Morales Lemus, "Minister" to the United States; Alfaro, Secretary of War; José Mora, financial agent; Goicuría, general purchasing agent; Basora, general recruiting agent; and Colonel William P. C. Ryan, American recruiting officer.⁹ The rooms presented a busy scene from morning to night, and business was often protracted into the small hours at the St. Julien Hotel. Cuban sympathizers all over North and South America sent large contributions, many women giving up their jewels and men their savings; the New York *Tribune* estimated that before

⁷ The *Nation*, May 27, 1869. The "National Convention" of April, 1869, unanimously declared that the rebels were fighting for annexation to the United States as well as independence of Spain.

⁸ See report of Matanzas consul, Senate Ex. Doc. No. 7, 41st Cong., 2d Sess., p. 8.

⁹ See description of Junta activities, N. Y. *Tribune*, May 29, 1869; *Morales Lemus y la revolucion de Cuba*, estudio histórico, por Enrique Piñeyro (Nueva York, 1871).

the revolt was a year old, the Junta had disbursed a million dollars in gold for supplies and men. In a large room uptown young Cubans—for many came from Havana, hoping to get to Eastern Cuba by sea—drilled all day long. The movement had much rhetoric and froth, but plenty of hard work and patriotism as well.

Heads of the Junta found their way into newspaper offices; they buttonholed Congressmen; before Grant was inaugurated they sent President Johnson a letter asking for recognition of Cuban belligerency. On March 25, 1869, they arranged a great mass-meeting in New York at Steinway Hall. Charles A. Dana was temporary chairman and Mayor A. Oakey Hall permanent chairman; Henry Ward Beecher and Paul B. Du Chaillu made rousing speeches for Cuban freedom. Many veterans North and South, thirsting for martial glory or out of a job, hoped for employment in the liberation of Cuba. While the New York *Herald* and *Sun* were red-hot for intervention, the *Tribune*, *Times*, and *Evening Post* were warmly sympathetic with the rebels, and only the *Democratic World* was chilly. Newspapers in other cities showed the same complexion.

II

Secretary Fish naturally found his position difficult. Like nearly everyone else, he believed in Cuba's right to freedom and hoped for rebel success. He had seen with his own eyes the cruelty and squalor of Cuban slavery. Immediately after he took office the national convention at Guaimaro, with the consent of the military commanders, decreed immediate and unconditional emancipation, and this appealing news was heralded all over the United States.¹⁰ His heart went out to brave men fighting in the jungles for liberty; he was moved by the frequent and authentic reports of robbery, rape, and murder committed upon innocent people by the Volunteers. And yet—! He had kept his eyes open in Cuba. He placed a low estimate upon the intellectual and moral qualities of much of the population; he doubted the aptitude of this conglomerate of Indian, Negro, and Spanish blood for self-government, and thought with R. H. Dana, Jr. (whose graphic book *A Trip to Cuba* was published about the time he went there) that evolution under Spanish tutelage might be better than revolution. Moreover, he felt a certain friendliness for Spain. Long the "bark with-

¹⁰ The Cuban Junta published several effective pamphlets 1869-71.

out pilot on a stormy sea" to which Dante had likened the Italy of his day, it had at last cast off the ignominious Bourbon yoke which Louis XIV had fastened upon it. It was uncertain whether the revolutionary leaders would decide for a republic or a monarchy; meanwhile, many professed an enthusiastic admiration for the United States, and a desire to make it their model. Had the Cuban revolt only been postponed, the new authorities in Madrid would have tried to forestall it by granting reforms.¹¹ The Foreign Minister told our envoy that the best Spanish sentiment considered the insurrection "a most deplorable misfortune and mistake both for Cuba and for Spain."¹²

But for Fish one consideration was decisive. No justification existed in international law or the precedents of responsible Powers for the recognition of Cuban belligerency, much less Cuban independence. The rebels had no capital, no properly organized government, no tax-system, no stable army under properly-commissioned officers, no ports, no realm. When the *Sun* and *Herald* clamored for a grant of belligerent rights, they clamored for what all students of international usages pronounced unwarranted and indefensible. A few men, like William Newton Adams, lately consul at Santiago, called for outright intervention. It was the only way, Adams argued, to prevent the island from becoming a desert, to the heavy loss of American interests.¹³ This was essentially a demand for a war of conquest, without respect to legal or moral considerations. And the *Alabama* Claims must be considered. If we recognized Cuban belligerency, how could we possibly call England's proclamation of neutrality in 1861 into question? When England granted belligerent rights to the Confederacy it had a capital, a constitution, and an elaborate administration; its army menaced Washington; its writs ran and its flag flew over one-third of the continent. The Cuban "government" was simply a few men under a palm tree. Greeley, Dana, and James Gordon Bennett were soon attacking Fish on the ground that he demanded too much; they argued that the long narrow island, with its backbone of mountain fastnesses, its poor communications and scantily-populated areas, was unsuited to the rapid establishment of a full-panoplied government. But no Secretary could let such excuses alter his policy. Moreover, Fish was decidedly suspicious of

¹¹ F. E. Chadwick, *Relations of the United States and Spain (Diplomacy)*, 283.

¹² Sickles to Fish, August 12, 1869; House Exec. Doc. 160, 41st Cong., 2d Sess., 20 ff.

¹³ Adams to Fish, April 13, 1869; Fish Papers.

the New York Junta. He knew that these Cuban officers—some careful to keep a thousand miles from the battle-front, and to meet the hated Spaniard in Union Square, with a tailor on one flank, a washerwoman on the other, and Delmonico's in the rear—were constantly plotting to violate our neutrality laws.

His initial steps were therefore marked by great caution. He suggested to the Cabinet that some naval officers in the West Indies might visit Cuban ports to collect first-hand information upon the strength of the rebellion; and Grant ordered this done.¹⁴ Meanwhile, he avoided any recognition of the head of the Junta. The Spanish Minister, Don Mauricio Lopez Roberts, watched the situation with hawklike intentness. On March 20 he visited Fish, and after warning him that filibustering expeditions were being planned from Mobile, Fernandina, and other ports, indignantly produced a clipping which stated that Sr. Lemus had just arrived from Cuba.¹⁵ This, he said, was a lie. Lemus had been in the United States for three months; he was an agent of the New York Junta alone, for Cespedes could not communicate through the blockade with the outer world. When four days later Lemus' secretary, Sr. Domingo Ruiz, a cultivated gentleman whom Fish had known in New York, called at the Ebbitt House, he met a frosty reception. Would the Secretary receive "Minister" Lemus? Secretary Fish would not; the government had not recognized the revolutionary party in Cuba. Ruiz then remarked that Lemus had letters accrediting him to the President; could he present them? Certainly not; such letters must go to the State Department.

That evening Ruiz and Lemus came together with letters of introduction, Lemus saying that he called as one private gentleman upon another.¹⁶ When he launched into a tirade against Spanish tyranny, excessive taxation, and the atrocities of the Volunteers, Fish reminded him that he must not address the Secretary officially. Lemus then brought up the question of an audience with Grant, saying that he bore a letter of congratulation from Cespedes which named him as an accredited representative. Fish replied that he could have no audience whatever; his letter must go to the State Department, and if he called at the White House it must be as a private individual only. The diary shows that the Cubans accepted these rebuffs calmly:

¹⁴ Diary, April 20, 1869.

¹⁶ Diary, March 24, 1869.

¹⁵ Diary, March 20, 1869.

They acquiesced in the correctness of my position . . . Toward the close of the visit he (Lemus) produced a paper which he said contained a statement of what he had presented verbally, and desired to deliver it to me. I declined to receive it, stating that if it contained no more than he had stated verbally, it was unnecessary; he admitted that it was a formal statement of the Junta, to which I replied that the fact was sufficient for the declension I had already made. They both acquiesced, and parted with the promise that they would do nothing, and attempt nothing to force themselves officially upon the President, or Government.

But when the Spanish Minister called, Fish was equally stiff with him.¹⁷ The Secretary inquired about the reported seizure of an American vessel by a Spanish warship at Ragged Island in the Bahamas. Lopez Roberts knew nothing about it. "Our people," Fish remarked, "of course sympathize with liberal movements in all governments, and in every part of the world. But we shall not be over-hasty in recognizing the revolutionary government in Cuba, though Spain certainly set us an example by her hasty grant of belligerent rights to the rebellious States in our late difficulties." He also protested against Valmaseda's brutal proclamation, which he termed outrageous. The Spanish Government had promptly repudiated it, but some Volunteer and Spanish officers behaved as if it had full force.

III

The Cuban cause possessed one firm friend in the Cabinet, John H. Rawlins. The dark, cadaverous Secretary of War felt no misgivings as to the morality of expansion. In a widely reported speech at Galena in 1867 he had advocated the extinction of all European authority in the New World, and had declared ¹⁸ that he looked forward to "the departure of the last foreign power from this continent." He now received Lemus with cordiality. As Fish's diary shows, beginning early in April he pressed Grant for "more speedy action." The *Sun* and *Herald* lauded him as the ablest statesman in the government while they assailed Fish, Borie, and Rockwood Hoar as old fogies. The *Tribune's* Washington correspondent declared in April that Rawlins wished to recognize Cuban independence as well as belligerency—that he was "the aggressive spirit in the Cabinet," eager to realize Stephen A. Douglas's dream of "an ocean-bound republic." Since his influence with Grant was tremendous, and since he was supported by the in-

¹⁷ *Ibid.*

¹⁸ Wilson, *Rawlins*, 500, 501.

fluent Admiral Daniel F. Ammen, Fish regarded him with dread.¹⁹

Not until later did Fish learn that Rawlins' motives were not all of a kind which he could avow. The general was desperately poor; the hand of death was upon him, and he was tortured by anxiety over the fate of his family. It became well known in Washington during 1869 that the Junta was distributing Cuban bonds among Congressmen, editors, and lobbyists. Lopez Roberts employed detectives to compile a list of recipients and showed it to Fish. Some names shocked the Secretary—and that of Secretary Rawlins was one. Fish may then have doubted Roberts' information, but subsequent evidence, which we shall describe in its place, seemed to corroborate it.²⁰ The bonds were worthless when Rawlins took them, but intervention would have given him their face value. Rawlins was influenced also by his personal physician, Dr. D. W. Bliss, a veteran of the Civil War and a close friend of Morales Lemus.

Fearing that Grant would make a rash decision in favor of the recognition of Cuban belligerency, Fish did his utmost during April and May to avoid Cabinet discussion of the subject. Brought up once or twice, it was postponed after brief consideration. The Secretary hoped for a respite until fall. Meanwhile, however, the portents of trouble thickened. Congress began to mutter truculently. On April 10, 1869, the House passed a resolution of sympathy for the insurgents, pledging its support to the President if he granted them belligerent rights. A large majority of both parties voted for it. This was in part mere electioneering buncombe—the House had passed a similar resolution of sympathy for the Fenian "republic" in Ireland two years earlier; but it showed that if the excitement increased many members could be rallied by Banks, Butler, and other demagogues to demand action by the President. Another interventionist meeting was held at Cooper Union in New York on May 4, and stirringly addressed by Lieutenant-Governor Steward L. Woodford; the man who, by the irony of fate, was to be Minister to Spain in 1898, and then a redoubtable opponent of intervention and war. The Junta lobbyists were busy in Washington.²¹

¹⁹ *N. Y. Tribune*, April 30, 1869.

²⁰ Diary, July 26, November 5, 1875. See Appendix II.

²¹ Commander E. B. Lansing of the New York Department G. A. R. wrote Bancroft Davis November 12, 1869, urging recognition of Cuban belligerency and saying that "the time may soon come when many of our members may again be ready to *serve* the cause of Humanity." Bancroft Davis Papers.

Moreover, a series of "incidents" was breeding mutual irritation. American citizens in Cuba were being arrested, and American property impounded; while the Spanish authorities, laboring to police Cuban waters, complained bitterly of American filibustering expeditions. Both sides were actually guilty of serious derelictions.

Unquestionably the Grant Administration was slow in making proper dispositions to enforce the neutrality laws. The British Minister in Washington later spoke of its "apparent lack of vigilance" in the first months; the Spanish Minister, in an official dispatch to Fish, complained of "incomprehensible apathy." The difficulty was that much time was required to organize precautions. Lopez Roberts ran to Fish all spring with reports that armed expeditions were about to leave American shores; in one day he listed five ships as highly suspicious.²² Attorney-General Hoar, together with Fish and Secretary Boutwell, slowly arranged a system of prevention. Federal attorneys were ordered to keep strict watch. The efficient Federal Marshal in New York, Gen. Francis C. Barlow, hired detectives, as did the Spanish legation. Lopez Roberts was told that if he obtained evidence of any lawless expedition, he should lay it directly before the Federal Attorney of the area without troubling the State Department. Nevertheless, at first a number of expeditions got through, and the anti-interventionist *World* scored the government severely for its delinquencies. Its record was not much better than that of Great Britain in 1862-63!

By June the Junta boasted that seven or eight expeditions had reached Cuba from American waters.²³ The first of importance was carried by the American schooner *Grapeshot*, which cleared from New York late in April for Jamaica, and after lingering for a time at Beaufort, N. C., successfully landed about fifty armed men, 4,000 firearms, and two cannon near Guantanamo, Cuba. The second was transported by the American steamer *Perritt*, which left New York on May 4 with false clearance-papers for Jamaica, and landed about 240 filibusters, 3,660 firearms, and eight small cannon at the Bay of Nipe. Late in May the old ship *Arago*, on which Fish had gone to Europe, reached eastern Cuba with men and munitions. According to the *World*, it bore nearly a thousand well-armed men who had embarked in open day-

²² See Fish's Diary March-June, 1869, *passim*.

²³ Thornton's staff prepared and sent the British Foreign Office a memorandum, dated March 31, 1870, on "the manner in which the United States Government has fulfilled its international obligations during the Cuban Rebellion." PRO, FO 5, Vol. 1192.

light after holding a jubilant farewell dinner in New York, where the police knew all about their movements.²⁴ Altogether, the Junta had then succeeded in delivering more than 20,000 small arms, 22 small cannon, and a considerable body of men (chiefly Cubans) to the insurgents. The *Tribune* stated that with the aid of American agents it had collected large additional supplies of arms and munitions, and had enlisted in New York and the neighboring area more than 1,500 men, veterans of the Union and Confederate armies. Recruiting for the Cuban forces had extended to Southern cities, and was stimulated by the news that a well-known Confederate officer, General Thomas Jordan, who landed in May, had been made Cuban chief of staff. On June 23–24, 1869, he repulsed superior Spanish forces near Holguin, twenty Americans being among those slain. Thereafter he was nearly as prominent as Cespedes, and his exploits were given large space in American newspapers.

But the Federal precautions were soon tightened. Late in May, Marshal Barlow arrested the ship *Quaker City*—the argosy of Mark Twain's innocents abroad two years earlier—in New York harbor. Lopez Roberts had been diligently collecting sworn affidavits against the Junta. On the 16th the Federal Grand Jury in New York found indictments against Morales Lemus, Col. Wm. P. C. Ryan, José Mora, and three others for filibustering activities. They were arrested, but released next day after giving \$7,500 bail apiece for their good behavior during one year, and for their appearance before the Federal District Court on October, 1869. They had retained William M. Evarts as attorney. A few days later six of the Junta were rearrested for breach of the neutrality laws, but all save Colonel Ryan were again released on bail. He was remanded into custody, but on the way to prison escaped when the police were overpowered by a crowd of his friends. Fish heartily approved of these arrests. He was certain that the Junta had acted consistently and aggressively to defeat the neutrality laws. Time proved that they had done their work with such shrewd precautions, and their sympathizers were so numerous, that it was impossible to obtain evidence to convict them. But the government had shown that it would not permit the law-breaking to go on with impunity, and its arrests checked the popular sympathy with the Junta.

²⁴ The N. Y. *World* May 15–July 15, 1869, is full of detail on Cuban filibustering, which it condemned in numerous editorial fulminations.

In view of this filibustering, the Spanish authorities could not be expected to show a Castilian courtesy to our shipping in Cuban waters. Unfortunately, they went beyond the bounds of law and precedent.²⁵ Two arrests in particular caused indignation in the United States. The brig *Mary Lowell* was captured by a Spanish gunboat on March 15, 1869, while lying either inside or just outside British jurisdiction at Ragged Island in the Bahamas. Both the American Government and the British colonial authorities remonstrated. When Spanish officials sent the case to a prize court, Fish expressed astonishment. This, he told Lopez Roberts, was tantamount to Spanish recognition of a state of war; it would justify the United States in according Cuba belligerent rights. On April 23 the court decided that the vessel was a lawful prize, for it had been taken on the high seas without captain or papers and with munitions for the insurgents; a decision which the American Government vigorously contested. Meanwhile, on March 27 a Spanish warship had overhauled the ship *Lizzie Major* at sea between Havana and New Orleans, and removed two passengers by force. When Fish sent the Spanish Government two stiff notes, the men were released and the action disavowed. Throughout 1869 Fish was kept busy protesting against the arrests of native Americans,²⁶ or Cubans who laid claim to American naturalization, by Spanish officers.

But the loss of American lives was the most alarming feature of the situation. Fish served early notice upon the Spanish Government that its agents must tread carefully. Soon after he became Secretary, Lopez Roberts called with an almost incredible proclamation which the Captain-General had issued on March 24.²⁷ It declared that vessels captured in Spanish waters or on the "free" seas near Cuba would, whatever their point of departure or their destination, be dealt with as "pirates" and their crews summarily shot. For once Fish all but lost his temper. In menacing language, he told the Minister that he devoutly hoped there had been some "mistake." As read to him, the proclamation announced a doctrine utterly repugnant to the laws of nations and of humanity. Vessels of all nations had a right to navigate the high seas as they chose; any interference with American ships thereon would be attended with the most serious consequences. "Even if our ships are captured in Spanish waters with arms and ammunition, we

²⁵ See the 246-page volume of *Correspondence of the Department of State in Relation to the Seizure of American Vessels and Injuries to American Citizens* (1870).

²⁶ *Ibid.*, 157 ff.

²⁷ Diary, March 30, 1869; cf. *Annual Cyclopedic*, 1869, 210 ff.

expect them to be treated according to the law of nations. Even if the crew attempt to run your patrol and are captured, your government must not treat them as pirates or shoot them out of hand." Lopez Roberts was frightened by Fish's manner; he lamely remarked that perhaps there *was* a mistake, and he would "put a telegraph" about it. Prodded by a stern letter from Fish, protesting against the proclamation "in the interest of Christian civilization and common humanity," he obtained an answer from Madrid within a week. The Spanish Government completely disavowed and revoked the proclamation.²⁸ But it had its tragic echo four years later in the volley from the Spanish firing-squad that faced the crew of the *Virginus* at Santiago.

And late in June, 1869, alarming news came from Eastern Cuba. Two Americans, Charles Speakman and Albert Wyeth, had been summarily and brutally shot.

Speakman, an Indianian, had shipped in good faith aboard the schooner *Grapeshot*. He believed she was making an innocent voyage to Jamaica. Wyeth, a twenty-year-old Pennsylvanian, was bound to Jamaica for his health. When the detachment of armed Cubans was taken aboard in New York Bay, Speakman asked permission to leave, but was assured that the ship would not touch the Cuban coast. Off Cape Maysi this detachment took possession of the schooner, ran her ashore, and made the Americans disembark with them. At the first opportunity the two men escaped, entered the Spanish lines, and surrendered. They were carried to Santiago. Here the authorities immediately executed them without trial, defying the plain terms of the Spanish-American Treaty of 1795 and ignoring the vehement protests of the acting American consul. Speakman's farewell letter to his wife and child, whom he left penniless, was heartrending. Wyeth met his death with gallant courage. Rear-Admiral Hoff was sent to Santiago to investigate. He reported that the men had been "cruelly murdered" through the cowardice of the Spanish officials before the implacable Volunteers. The consul likewise wrote that the section was "in a complete state of anarchy," that the Volunteers had been responsible for horrible barbarities toward the rebels, and that they had refused to allow the governor to render justice.²⁹

This episode angered Grant, for he detested nothing so much as cruelty. It aroused much popular indignation, and together with the

²⁸ Diary, May, 6, 1869.

²⁹ House Exec. Doc. 160, 41st Cong., 2d Sess., 98 ff.

outrages upon shipping and property, gave Rawlins a substantial ground for demanding stern action against Spain.

IV

Fish found another reason for concern in the character of the Minister whom Grant was sending to Madrid, Daniel E. Sickles. Our former representative there, John P. Hale of New Hampshire, the veteran free-soiler, had made a weak record. His health was bad; he had a discreditable quarrel with his secretary of legation; and sympathizing with the monarchy—even becoming suspiciously involved with the dissolute Queen Isabella—he antagonized the new revolutionary government. Grant chose in his place a man of crude strength, but headstrong, reckless, and totally deficient in diplomatic qualities. Like Motley, he would require close watching by the State Department.³⁰

Born in New York City and educated for the bar, Sickles had always shown plenty of boisterous force. Early in his career he was indicted for larceny in a business scandal. Trained for politics in the Tammany school, he was at one time censured by the State Assembly for impudently bringing his mistress into its chamber. As secretary of legation under Buchanan in London he borrowed money freely and then repudiated his debts. Later in Congress he showed himself a ready and forcible speaker, possessed of some generous traits of character; but he was also a fast liver, addicted to champagne, cards, horses, and women. The press openly referred to him as one of a type far better known in Suetonius' world than in nineteenth century America. We have already noted that in open day one Sunday, within earshot of the White House, he shot Philip Barton Key dead. Defended by Edwin M. Stanton and Reverdy Johnson, he was acquitted after a three weeks' trial on the ground of temporary insanity. As a brigadier-general during the war he did something to erase the blots on his reputation by gallant if rash leadership. At Gettysburg he behaved blunderingly, but left a leg on the field. After the war he performed dubious service for the radical Republicans. He was one of the men, who, under Secretary Stanton's direction, tried to browbeat Senator Ross of Kansas into voting for the conviction of President Johnson; and next to General

³⁰ The Sickles Papers, New York Public Library, throw light on his character. The N. Y. *World* led in denunciation of his appointment; Godkin in the *Nation* assailed it and G. W. Curtis in *Harper's Weekly* called it shameful. The *Tribune* defended Sickles. On June 30 a large body of New Yorkers gave him a reception to attest their trust in him.

Sheridan, he was the harshest of the military governors during reconstruction. He had won Grant's gratitude in 1868 by delivering a number of fiery campaign speeches.

When Sickles' name was proposed to the Cabinet, Hoar, lifting his spectacles above his brow, remarked: "If I recollect aright, Sickles was connected with the Ostend Manifesto. I don't know how that would do in connection with his appointment to Spain." Fish remonstrated against the choice both on this and other grounds. But Rawlins interposed belligerently: "Well, I was in favor of the Ostend Manifesto myself at the time it was issued." "Yes," said Creswell, "so was I." After a brief silence Grant commented thoughtfully: "Gentlemen, I believe I was in favor of that manifesto myself at the time it was issued." That ended the matter.³¹ The *Springfield Republican* called Sickles an unprincipled adventurer, whose appointment "is a disgrace, and will prove a calamity to the country." Such was the man now sent to the proudest and most punctilious of nations, with which our relations were delicate to a degree.

The tension of the situation was reflected in movements of the American Navy. The Grant Administration promptly reinforced the West Indian squadron.³² Several vessels were ordered back from the Pacific; Admiral Porter directed two first-class ironclads to proceed at once to Key West, and had the frigates *Lancaster* and *Sabine* prepared for service. By the middle of April a large body of American warships were in or near Cuban waters, and others preparing to go. At League Island the *Miantonomoh*, *Dictator*, and *Canonicus* were being fitted out with all speed. Our navy, while deficient in seagoing armored vessels, was strong in slow coast-defence monitors, which at a pinch would serve for Caribbean purposes. The British Minister wrote Lord Clarendon on April 19 that a warship of some sort was being gotten ready at every government dockyard in the country, and that this display of force was unmistakably aimed against Spain. Forty-two Spanish warships were on the Cuban station by June, and the paths of the two forces frequently crossed.³³ The danger of an accidental clash became marked when Admiral Hoff, commanding the American forces, was instructed

³¹ N. Y. *Herald*, August 9, 1869. Sickles was not confirmed by the reluctant Senate until March, 1870.

³² See Reports Secretary of the Navy, 1869, 1870. Thornton wrote Clarendon about the tremendous "display of force"; PRO, FO 5, Vol. 1160, April 19, 1869.

³³ See pamphlets of Cuban Junta, N. Y. press, on Spanish naval preparations.

to resist the capture of any American vessel by the Spaniards unless she were found actually landing armed men or contraband of war on the coast of Cuba.

Obviously, it behooved Secretary Fish to devise an immediate alternative to the recognition of belligerency. He realized the perils lurking in the proposed action. Once we pronounced Spain and Cuba belligerents, the Spanish Government would possess the right to stop all our merchant ships on the high seas and demand certificates showing that they were not carrying contraband; a right guaranteed by the treaty of 1795 between the United States and Spain. And once Spanish warships began sending shots across the bows of American steamers, "incidents" of real gravity would occur. They would inevitably lead to war. To men like Rawlins and N. P. Banks, war meant little. But Fish had a more lively appreciation of the difficulties of fighting Spain with an outdated navy, of the impropriety of assuming complex burdens overseas while so many domestic problems remained unsolved, and of the dangers of increasing our colossal war debt. Yet it would be futile to oppose Rawlins with mere negative arguments or to offer Grant nothing better than a hands-off policy while the rebellion continued to rage and American lives, property, and commerce to suffer.

V

At this moment fate intervened in the person of Paul S. Forbes, of New York and Paris, who had talked with General Prim in Madrid early in May and who arrived posthaste in Washington late that month. A cousin of the Boston railroad builder John Murray Forbes, he had been engaged in the shipping business for forty years and the China trade for twenty; but now he represented international interests anxious to improve the bad financial position of Spain. A man of dignity and presence, he spoke Spanish and French fluently. An English banker in Madrid, John Bell, who had helped float a Spanish loan, had confidentially learned that Prim favored the sale of Cuba, and had so informed Junius Spencer Morgan of London, former banking partner of George Peabody, and David Robertson, M.P. Morgan had hurried to Paris, and arranged that Forbes, who knew Grant, should visit Madrid to interview Prim.³⁴ If Spain could be assured of a round sum for Cuba, the

³⁴ See Sidney Webster to Fish, July 10, 1869, containing information from Manton Marble regarding Forbes; Fish Papers.

rise in her bonds would net Bell and Morgan a pretty penny! Forbes, doubtless well paid for his time, did see Prim. The interview was satisfactory. Armed with a report, Forbes caught a steamer for America. In Washington, Badeau, an old friend, lent him willing assistance. All this was kept a complete secret, not a whisper of it escaping. But on June 2 Grant and Fish bent together over the report, a highly significant document.³⁵

General Prim, according to Forbes, had admitted the melancholy condition of his country, bankrupt, impoverished, and unable to find revenue to meet her debts or her other needs. "When a man is in that position," he said, "he does not hesitate to sell his watch and jewels." Yet (he went on) in speaking for a nation so proud of its history, so jealous of its honor, no leader could assert positively that it would part with any of its empire. Unless a generous equivalent could be obtained, Spain meant to retain Cuba at any cost; he had sent 18,000 troops to the island, would soon send 30,000 more, and if necessary would go to the front himself. Forbes had tactfully replied that the Americans would fully appreciate the feelings of Spain; for had they not just poured out an ocean of blood and money to preserve the integrity of their nation? They sympathized with the Spanish people in their struggle for fuller liberties, and Grant would be the last man on earth to acquire Cuba by any except fair means. But history had its lessons. Napoleon, on the verge of war with England, had wisely sold Louisiana to the United States and thus placed seventy-five million francs in his treasury; Russia in need of money, had sold Alaska. In response, Prim came to the point:

"I think that Spain's financial embarrassments may make it advisable to give up Cuba provided we can thus reestablish our finances; but I am only one man, and the nation must eventually decide this question. If, therefore, General Grant will send a person here to negotiate, he will have my support; but if the nation does not consent to my proposal, I wish it understood that my good faith is not to be questioned."

Forbes had replied that the conditional nature of the proposal would be fully understood. He suggested that the United States, as mediator, might guarantee payment by Cuba of the sum to be agreed upon; or it might buy Cuba by direct purchase. Prim preferred the first sugges-

³⁵ A copy is in the Fish Papers. Forbes wrote Grant a letter dated June 2, attaching this report of the conversation with Prim in full.

tion. "Very well," he said in conclusion, "let it be understood that I, as a man of influence likely to become President of the Council under the new regency, accept the idea of a sale of Cuba. Let it also be understood, first, that the rebellion must be put down by Spain; and second, that the object of the sale being to extricate Spain from her financial difficulties, the sum must be sufficient for that purpose." In July, Marshal Serrano becoming regent, he was duly made head of the Council.

Two days after reading Forbes' report, Fish placed before the Cabinet a plan—the pencilled memorandum of which is still among his papers:

United States offers mediation on the basis:

I. Of the independence of Cuba

II. Cuba to pay to Spain \$ as indemnity for loss of revenue, etc., etc., for the public property of Spain in the Islands—forts, arsenals, public lands, etc.

III. Emancipation of slaves to be decreed

IV. An armistice pending the negotiations

Cuba to issue bonds for \$ bearing % interest payable within twenty years.

The United States, if assent of Congress be obtained, to guarantee these bonds, principal and interest, and the customs duties (export and import) of Cuba to be pledged as security. A sufficient sum annually to be paid into a trust for a sinking fund to pay the principal at the end of twenty years, besides paying the annual interest.

Discriminating duties, prejudicial to American productions to be abolished.

All other duties (export and import) to remain unchanged unless with the consent of the United States.

The Cabinet, with Rawlins suspicious and Hoar enthusiastic, promptly approved the plan. It seemed to offer an admirable way out—if the Spanish and Cuban leaders would agree upon the specific terms.

Fish's first task was to consult the Cubans. Ruiz, secretary to "Minister" Lemus, was in Washington. The plan was confidentially unfolded to him at the State Department, and he hastened to New York to consult the Junta. On his return he informed Fish that Lemus and other Cuban leaders warmly approved it, and were ready, in order to stop the bloodshed, to offer "quite a large sum." General Prim had mentioned no specific amount, but Fish and the Cubans agreed that a hundred million dollars would not be excessive. (This was the sum which President Polk had proposed to pay Spain.) By June 21 the Secretary felt justi-

fied in telling Thornton the general nature of the plan, and inquiring whether the British Government would object.³⁶ Thornton felt sure England would be only too glad to see the bloodshed and the danger of international complications ended. As he wrote Lord Clarendon, Fish protested that the United States had no desire for annexation—it could not undertake to manage so alien a population, nor could it give up its customs revenue of about \$32,000,000 a year from duties upon Cuban shipments. The government might eventually be forced to annex the island, but would do so very reluctantly.

Within a few days all details, amid complete secrecy, were settled. Grant, who had been travelling, Sickles, and Morales Lemus arrived in Washington almost simultaneously. Fish had perfected his proposals. They now embraced (1) recognition by Spain of the independence of Cuba; (2) the abolition of slavery in the island; (3) Cuban agreement to pay Spain a sum not exceeding a hundred million dollars; (4) the guarantee by the United States (if Congress consented) of this payment; and (5) a complete armistice during the negotiations. He submitted these heads to Grant, who approved them. They were then shown to Lemus, who asked what the United States would do if Spain rejected them. Fish never ventured into the realm of prophecy, nor tied his hands for the future, but he could safely have told Lemus that the government had been considering a recognition of Cuban belligerency, and some evidence exists that he did so. Lemus gave the five proposals his written assent, which was filed in the State Department.³⁷ With some elation, the Secretary reported the rapid progress of his plans to Thornton. He was anxious to hurry Sickles off, and when the general protested that business would keep him in New York until July 15, telegraphed that if he were not ready to start by the 7th the State Department would ask the President to appoint another man!

The stage was thus set, at the beginning of the Grant Administration, for a stroke of diplomacy which would dazzle the country.³⁸ A growing menace to our peace would be dispelled, the Cuban people would be freed, the flag of another European Power would virtually disappear from the hemisphere, and the United States would gain undisputed control of the Caribbean. The treasury of a liberal new government in Europe would be replenished and its friendship with the United States

³⁶ Diary, June 21, 1869.

³⁷ Copy in the Fish Papers.

³⁸ Fish to George Bancroft, September 24, 1869, describes part of his effort; Letterbooks.

cemented. All this would be accomplished without the expenditure of a dollar, for Cuban payment could be assured by the proposed mortgage upon revenues.

VI

Since Forbes had won Prim's confidence, represented large financial interests, and was a man of tact, it seemed wise to let him act in conjunction with—though strictly subordinate to—Sickles. He accepted Fish's offer of a commission as special agent, and gave the Secretary his views upon procedure.³⁹ Spanish leaders should be told that unless they agreed to the American plan, it would be withdrawn immediately. "As you hold the power and they know the United States control their destinies, it may be necessary to remind them that you would also be their friend. The Spanish character is easily elated at the prospect of a slight indication of success. If they supposed that was any readiness on the other side to accept the terms you may eventually be able to obtain for them, they would be less likely to agree." While awaiting final action by Grant and Fish, Forbes talked too freely in New York to please the Secretary. But on June 26 he was appointed agent, and on July 1 sailed.

Sickles left the same day with full instructions.⁴⁰ They opened with an impressive statement of American dismay over the situation in Cuba. For more than nine months a civil war had raged, "marked with a degree of fierceness and excess on either side rarely witnessed in later ages, and threatening, if continued, to work the desolation and destruction of the wealth and resources of the island." It had disastrously affected American interests. "Many citizens of the United States are largely interested in property there, many reside there, and many visit the island more or less frequently, either on business or to enjoy the benefit of the climate. Even more numerous, possibly, are the Cubans who own property, or who visit, or who reside in the United States." It had also aroused American sentiment. Two official Spanish proclamations had impressed our people as indefensible. The United States, under many difficulties, had faithfully performed the duties of a neutral. But it felt certain that, even if Spain triumphed, the Cubans would

³⁹ Forbes to Fish, June 3, 1869; Fish Papers.

⁴⁰ Dated June 29, 1870; State Department MSS, Diplomatic Drafts, Spain. Text in House Exec. Doc. 160, 41st Cong., 2d Sess., 13-16.

never again be loyal subjects. It called upon Madrid to recognize the right of all transatlantic dependencies to freedom:

England, bound as she has been to the traditions of the past; tenacious as she has been of her possessions, and conservative of all her rights and interests, has recognized the force of this feeling, and has anticipated events by granting self-government to her North American provinces. Denmark, approving the policy of the separation of colonies from the parent state, is endeavouring to part with her insular possessions. Russia has set a recent example of parting with her possessions in America. Nor are these the only governments in the old world that are preparing their colonies for independence and self-government. . . . Spain herself was one of the first of the great European powers to cede voluntarily its distant colonial possessions; for she transferred Louisiana to France, and subsequently ceded Florida to the United States.

On this ground Sickles was to urge Spain to accept American mediation, proclaim an armistice, and take steps to grant Cuban independence. In return for independence, Cuba should pay Spain a fair equivalent; and if this payment were so large that it had to be made in installments, it should be secured by a pledge of customs duties. Slavery should be abolished forthwith. "It is proposed," concluded Fish, "that the negotiations for the settlement of the several questions to be adjusted between the contending parties shall be conducted here. You will, therefore, in the event of your good offices being accepted, propose that a conference be held in the city of Washington, at an early date to be agreed upon between yourself and the Cabinet of Madrid, between properly authorized representatives of the two parties—the representatives of each party to be clothed with full powers to agree to and to enter into a consultation for a settlement on the basis above indicated. . . ." President Grant would, if requested, preside over such a conference and furnish advice in facilitating its work; or he would depute some other distinguished American to do so.

"You will take the earliest opportunity after your arrival," Fish concluded, "to read these instructions to the Spanish Minister for Foreign Affairs, and will also leave with him the official copy thereof herewith enclosed."

A mild threat accompanied this offer. Sickles was informed in a supplementary note that he might call the attention of the Spanish Minister to the phrase "civil war" used in his instructions:

While this expression is not designed to grant any public recognition of belligerent rights to the insurgents, it is nevertheless used advisedly, and in recognition of a state and conditions of the contest which may not justify a much longer withholding of the concession to the Revolutionary party of the recognized rights of belligerents. Should the expression therefore be commented upon, you will admit what is above stated with reference to it, and may add, in a case of a protracted discussion, on the prospect of a refusal by Spain to accept the proposed offer by the United States, that an early recognition of belligerent rights is the logical deduction from the present proposal, and will probably be deemed a necessity by the United States, unless the condition of the parties to the contest shall have changed very materially.

At this point we reach an episode worthy of Conrad's pen. While pushing his plan of mediation, Fish urged Federal officers to exercise an increased vigilance against filibustering. He had warned the Junta that while the Government would not interfere with attempts at blockade-running, it must stop all efforts to recruit troops or to land forces in Cuba. Late in June it struck with significant vigor.

On a foggy, rainy Saturday night, June 26, with shipping in New York Bay almost at a standstill, ferryboats crawling at snail's pace and vessels at anchor sounding horns and whistles, three small steamers slipped from the Manhattan wharves with all lights out. They were crammed with a motley array of well-armed recruits, chiefly Cubans, Irish, and Germans. Keeping the men under cover, they crept stealthily up the East River. Near Hell Gate one steamer lifted from a waiting rowboat Col. William P. C. Ryan, disguised with false whiskers and false mustache, and muffled in a huge overcoat. Finally they slipped past Fort Schuyler and two revenue cutters stationed near it, and into the Sound. Their destination was Gardiner's Island, off the eastern tip of Long Island. Here the recruits were to be taken aboard a much larger steamer, the *Catherine Whiting*, which would start at once for Cuba. Two schooners had already put to sea with arms and ammuration for the expedition. Dawn found the steamers well down the Sound, and on the afternoon of Sunday the 27th they anchored in Gardiner's Bay to await the larger ship.⁴¹

This was by far the most ambitious expedition that the Junta had yet prepared. Ryan and the Cuban Secretary of War, Sr. Alfaro, had rashly concluded from the sympathy manifested by the whole country,

⁴¹ N. Y. *Tribune*, *Herald*, *World*, June 27-July 18, 1869.

the friendliness of the local authorities, and their knowledge of Rawlin's position that they had little to fear from the law. They decided to give the revolt new vigor by landing a small army all at once. Recruiting agents had been sent to seaboard cities from Boston to New Orleans. They had promised adventurous men \$30 a month in gold, with bounties of \$500 a year in gold if the revolt succeeded. Volunteers, chiefly adventurers and unemployed veterans, had rapidly been collected in Philadelphia, New Jersey, and New York. If questioned by the police, they were instructed to say that they were going to Montana mining camps. The object was to organize a full regiment of 1,500 picked men, "The First New York Cavalry Cuban Liberators," armed with Spencer carbines, revolvers, and sabres, and accompanied by two batteries of 12-pounder Napoleon guns and several heavy 60-pounder guns. Ryan later boasted that his little army included two former major-generals, three former brigadier-generals, and more than a hundred ex-officers of other grades from the Union and Confederate forces, with a number of French, Prussian, and Garibaldian officers. Estimates of the number of men involved run from 800 to 1,400. Had such an expedition reached Cuba, the consequences to Spanish-American relations would have been serious.

But it did not. All day the recruits waited off Gardiner's Island, suffering from narrow quarters, hunger, thirst, and growing anxiety. A boat that was sent ashore for provisions returned with a peck of potatoes and some gull's eggs! Finally the truth came out. The *Catherine Whiting* had been ignominiously captured near Robbins Reef light-house early Sunday morning by the Revenue cutter *McCulloch*, and taken into custody by Federal Marshal Barlow. With this news the expedition collapsed. The three little steamers scurried for shelter. Most of the recruits disconsolately scattered to their homes. About 200 landed on Gardiner's Island, and set up a camp there, protected by the head of the Gardiner family and presided over by Ryan. Newspapermen who hurried down from New York described the commander as a dashing young fellow of about twenty-four, tall, finely built, and full of brag; and they sent back idyllic descriptions of life in the camp, the men living on barbecued sheep, roast turkeys, and milk punch, and basking in the July sun. But at dawn on July 16 "Squire" Gardiner awoke a *Tribune* correspondent with news that a Federal cutter was in the bay and sending marines ashore. A few minutes later some fifty

marines and deputy marshals broke up the camp and took about 180 men, including the correspondent, prisoners. Ryan, though fired on several times, escaped into the forested interior of the island. Ten days later he was reported at Niagara Falls, Canada, waiting for another chance to aid rebellious Cuba. Most of the prisoners taken to New York from the *Catherine Whiting* and the island camp were released on signing a parole not to violate the neutrality laws; a few were tried.

Fish did not content himself with ordering Federal Attorney Edwards Pierrepont and Marshal Barlow to destroy all expeditions organized near New York. He gave instructions that if such expeditions escaped, they should be pursued even beyond the territorial waters of the United States. If necessary, Pierrepont and Barlow were to call upon the military and naval forces of the government. On July 19 a Cuban rendezvous on the Hackensack River was broken up, and about fifty additional prisoners lodged in Fort Lafayette. Fish early in July protested sternly against a new edict by the Captain-General in Havana. But he wished the Spanish Government—and in view of the *Alabama* Claims, London also—to understand that the United States was doing its full duty as a neutral. The *World* congratulated him and Grant on “seeing the light.”

VII

Though Sickles and Forbes left New York simultaneously, Forbes was first in Madrid. On July 16 Fish received from him the following cablegram in cipher:

1st. Spain accepts mediation. 2nd. Insurgents lay down their arms. 3rd. Spain surrenders the autonomy of Cuba. 4th. Cuba to pay \$150,000,000 guaranteed by the United States. Porto Rico will be included.

If you accept these terms the whole question can be arranged at once by giving me authority to close. Details with Cubans to be left with you. Interests of Spanish subjects to be protected. Congress prorogued yesterday till October. If you answer favorably with only slight modification as to price, you will have both islands. I think between 100 and 150 will settle all. Chief wishes to treat solely himself through me. Much annoyed at telegram received yesterday through Spanish Minister. Begs strict reserve.

Reaching Madrid on the 14th, Forbes had called next day on General Prim and communicated Fish's terms of mediation. As he im-

mediately wrote Fish,⁴² the general made no objection, but remarked that anything that was done must be accomplished under an American guarantee, for otherwise the Cubans would never pay Spain once they had possession of the island. This was obviously true, and Forbes said that the United States contemplated guaranteeing any terms agreed upon. "The general," he reported to Fish, "then talked rather largely about price; proposed 150 millions, in which case Spain would give up Porto Rico as well as Cuba—the Porto Rican suggestion being my own at first." Forbes, who thought that inclusion of Puerto Rico would justify a larger sum, though hardly that named, had told Prim that the United States had no desire for the islands, and as a disinterested mediator could only recommend that the Cubans pay a certain price. "The general in return spoke of the honor of Spain, and of the impossibility of getting her to relinquish the autonomy of the island, except for a fair equivalent not only of its revenue, but of the indiscreet advantages growing out of its trade in manufactures and agricultural products." Thus the interview ended. "The Cortes," Forbes concluded his letter, "was prorogued in order to negotiate quietly."

Sickles himself arrived in Madrid on July 21. With two representatives on the ground, with Prim apparently so well disposed, the prospects for Cuban peace seemed as bright as a spring dawn.

⁴² Forbes to Fish, Madrid, July 16, 1869; Fish Papers.

THE June days during which Fish perfected his plan for the sale of Cuba to the Cubans witnessed the debut of two American diplomatists, Motley at the English court and Elihu Washburne at that of Napoleon III. These men found that the position taken on the Alabama question by Sumner and the American press had produced a decidedly unfavorable impression in western Europe.

Washburne's predecessor in Paris had been John A. Dix; and when Dix on June 1 took leave of the French Foreign Minister, the Marquis de la Valette, the latter seized the opportunity to speak an earnest word upon Anglo-American relations.¹ He begged Dix not to let his countrymen suppose that France would regard a war between England and America as anything less than a *crime de lèse-civilization*. America, he remarked, had really counted too much upon British forbearance, which after all had its limits. Mr. Sumner's speech had been met in England with a resentment and a unanimity which had probably astonished the Senator. The Americans and British were of the same race; they possessed the same stubborn virtues and perhaps the same defects, and a war between them would be a terrible calamity. To Washburne himself ten days later the Foreign Minister spoke in the same terms. He did not wish Americans to feel that France would rejoice in a war; very much the contrary. It was being argued in the United States that sooner or later Great Britain would find herself hard pressed in Europe, and then Washington would insist upon its claims. But might the time not come when America itself would be hard pressed? These statements were promptly reported by the British ambassador in Paris, Lord Lyons, to Clarendon, to whom they gave great satisfaction. They proved that the French had not yet forgotten their rap across the knuckles in the Mexican affair, and did not relish a hectoring tone on the part of America.

In view of the widespread British resentment, Motley faced responsibilities of the gravest kind; and he lost no time in showing that he was unfitted to meet them. Before leaving Boston he had talked with the senior Charles Francis Adams. That acid gentleman commented

¹ Foreign Office Papers.

afterward that Motley evidently expected to represent two powers abroad, Mr. Sumner and the United States Government.² He reached London still full of the opinions expressed in his memorandum for Fish and still under the spell of the "proclamation legend." There his first exploit was to offend both Badeau and Moran, of his legation staff—although he should have guessed that Badeau would write home about legation business to Grant and Fish. His second exploit was a disobedience to instructions which nearly cost him his post.

Some understanding of Motley's nervous pride and irascibility may be gained from the pages of Moran's diary for the summer of 1869.³ The historian's gifts amounted almost to genius, but his impetuosity, emotionalism, and hauteur showed the defects of his quality. "Mr. Motley and General Badeau came up and entered on duty today," Moran writes on June 2. "They are dissatisfied with the legation and seem disposed to make great changes. Mr. Motley will not have it in his house." Two days later he added: "Mr. Motley and General Badeau were here only a short time today. They are not much given to work, but are seeking to make headway in society." The Minister had told him he would not wear knee-breeches at court. On the 15th the secretary continued: "General Badeau is much annoyed with Mr. Motley and will quarrel with him before long. The chief is jealous and don't take the general sufficiently into society, and the general is offended in turn and intimates that he got the Minister his place." That night there was a ball at the Russian Embassy, with the Prince and Princess of Wales present. Motley did not present Badeau, who betrayed his wounded feelings. "I notice that Mr. Motley was much elated, and seemed ashamed of his secretaries. It is curious that men from Boston are so as a rule." The secretary soon had another budget of tart comment:

June 18, 1869. [After Motley had an audience with Queen Victoria.] My chief was much pleased that the Queen recognized him. Indeed, he has a good deal of the snob about him, and is always tickled when titled people recognize him. This is to be regretted in a man of genius. . . .

I find from his talk that he will not attend any American gatherings; nor will he give entertainments or receptions at which Americans can meet English people. He is afraid of the manners of his countrymen. . . .

² C. F. Adams, Jr., *Charles Francis Adams*. When Charles Francis Adams read Sumner's speech on the Johnson-Clarendon Convention he said that there was "no chance of negotiation left, unless the English have lost all their spirit and character."

³ Moran's shabby salary, \$2,600 a year, helps account for his tartness.

June 22, 1869. Mr. Motley is most nervous and excitable. He comes here seldom, talks all the time he is here, and keeps me from work while he stays.

June 23, 1869. [After a concert at Buckingham Palace.] Our people were much pleased and made the most of their privileges. Indeed, they lose nothing for want of pushing. Mr. Motley likes to get near royalty and never lets slip an opportunity to do so.

June 30, 1869. [Moran took General Schenck to call on Motley] and found him excited over an invitation from an ignorant Irishman to attend the Fenian Amnesty Celebration of the 4th of July at Rye House. His nervousness was laughable. He had written a note declining in which he left it to be inferred that he would attend if not otherwise engaged. I advise him to take no notice of the invitation at all . . . but what his formal decision will be God only knows.

George Bemis was there posting him up on the Alabama Claims, and from present appearances he will take instructions on the subject from that gentleman as well as from Messrs. Sumner and Adams.

July 1, 1869. Mr. Smalley was blackballed at the Reform Club the other day; and as Mr. Bright and Mr. Forster proposed him, they at once resigned from the Club on account of his rejection. The cause was his having written articles against England to the New York *Tribune*. This afternoon I called at Mr. Motley's rooms and found George Bemis there posting him up on the Alabama Claims. My chief seems to know but little of the case and Mr. Bemis is coaching him up.

July 3, 1869. [After a ball at Buckingham Palace.] General Badeau was finding fault with the Motleys for not introducing him to the French Ambassador, and with good ground.

A high spirit, a high temper, a high sense of his own wisdom, always characterized Motley. He had meanwhile seen the Foreign Minister and begun his official career in a high-handed way.

I

Fish first heard of this interview when on June 23 he read Motley's initial dispatch. It had taken place at Lord Clarendon's house on June 10. Motley had entered upon a long statement, based—so he wrote—entirely upon his official instructions. Fish read the first few pages without disapproval, but came to a shocked halt with the following passage: *

I then stated the opinion of the President in regard to the recognition or concession of belligerency, as stated in your No. 3, saying that the

* Senate Exec. Doc., 41st Cong., 3rd Session, No. 11, "Recall of Mr. Motley."

President recognized the right of a sovereign Power to issue proclamations of neutrality between an insurgent portion of a nation and the lawful government, when such insurrection should have gained the necessary magnitude, consistency, extent of organized power, and probability of justification by success; but that such measures must always be taken with a full view of the grave responsibilities assumed.

The famous proclamation of neutrality of May 13, 1861, was not considered justifiable by the United States Government, but the President wished it to be used, when our case should once more be presented, only as showing animus, and as being the fountain-head of the disasters which had been caused to the American people, both individually and collectively, by the hands of Englishmen.

Other nations had issued proclamations contemporaneously, or merely so, with that of Great Britain; but from Great Britain alone had there come a long series of deeds, injurious to the United States, as the fruits of the proclamation, while from other nations there had come no injury save the declaration itself.

If this was not a flat violation of instructions, the English language had no meaning. Fish's instructions had stated that the propriety of the proclamation of neutrality at the time it was made "was not admitted"; Motley, without reference to the time element, said flatly that "it was not considered justifiable." The instructions declared that the United States recognized the right of every Power to define its relations to the parties engaged in a civil conflict whenever this conflict "attained a sufficient complexity, magnitude, and completeness"; Motley said, when it "gained the necessary magnitude, consistency, extent of organized power, and probability of justification by success"—a far stiffer set of conditions. Moreover, he threw in the statement that "such measures must always be taken with a full view of the grave responsibilities assumed." But he indulged in a still graver disregard of orders. The instructions held that the British proclamation was part of the American case "only so far as it shows the beginning and animus of that course of conduct which resulted so disastrously to the United States." Motley went quite beyond this in declaring that the proclamation was part of our case "as showing animus, and as *being the fountain head of the disasters which had been caused to the American people, both individually and collectively*, by the hands of Englishmen"—a plain attempt to use a phrase covering the alleged prolongation or doubling of the war by an indefensible British policy. He also spoke of acts injurious to the United States not as "supplementary" to the proclamation, which had

been Fish's word, but as "fruits" of it.

Finally, and to Fish worst of all, Motley indulged in threatening references to a possible war between America and Britain. He spoke of the "contingencies" which would depend on negotiations concerning such vital questions; of the need for calmly examining at a later time "the issues between the countries, with all their difficulties, dangers, and contingencies"; of "the contingencies of war and peace." Neither the letter nor spirit of his instructions authorized such phrases, and diplomatic propriety did not admit of them. A Minister can assume no graver responsibility than to intimate to the government to which he is accredited the contingencies of war. So good an historian as Motley should have known that nations have been dragged into conflict by indiscretions less grave.

In short, Motley had expanded his instructions to depart from their strict limitations, and to place before Lord Clarendon claims based upon Senator Sumner's speech, and not upon the Administration's views. The watchful Moran, who copied Motley's dispatch in London and mailed it to Fish, saw at once that his chief had disobeyed orders. "It is very long," he wrote in his diary,⁵ "and I was here until one o'clock this morning making out a clean copy. It is windy and has more of Mr. Sumner than the President in it. He was too warm with Lord Clarendon, and made the relations between the two countries more dangerous in appearance than they are. I don't think it expresses the President's intentions." Badeau at once told Moran that the Minister would be removed for disobedience.⁶

Fish lost no time in laying the paper before Grant with appropriate comments. The President's verdict was decisive: "Motley must be dismissed at once."⁷ To him disobedience was the worst of crimes. In response to Rawlins' pressure, he now planned, if Spain rejected mediation, to recognize Cuban belligerency; and here the Minister to England was trying to cut the ground from beneath his feet! Fish, much colder to Cuban belligerency, agreed that Motley deserved dismissal. As he wrote later, other governments would have punished such behavior by the severest censure and probably by summary recall.

⁵ Diary, June 11, 1869.

⁶ Badeau, *Grant in Peace*.

⁷ Bancroft Davis, *Mr. Fish and the Alabama Claims*, 39. Fish's diary does not reveal just when Grant saw the dispatch. O. W. Holmes quotes Grant as saying: "As soon as I heard of it I went over to the State Department and told Governor Fish to dismiss Motley at once. I was very angry indeed. . . ." *Memoir of Motley*, 180.

Nevertheless, the Secretary pleaded with Grant to treat Motley with lenity. Fish pointed out that his dismissal would gravely injure our case in England. Reverdy Johnson's work had been rejected by the Senate because he did not go far enough; to break Motley because he went too far would impair the prestige of our diplomacy. For another reason, Fish hesitated to humiliate an author whose writings had added lustre to our literature; while personal friendship, as he frankly admitted, also led him to restrain Grant's hand. Most important of all, he feared that dismissal of the Minister would produce an immediate rupture with Sumner, already angry and suspicious, and thus render the work of the Administration far more difficult. Sumner's influence was especially powerful in New England; his resentment, once aroused, was unsleeping; and his opposition in the Senate was not to be lightly brooked. What was most needed now was to let feeling in America and England cool; Motley's recall would blow the embers into flame—would provoke Sumner into angry utterances which would bring resentful British rejoinders. With difficult questions pending as to Reconstruction, finance, Cuba, and Great Britain, party harmony was worth some sacrifices. Finally, Fish pointed out that Motley's power to do further harm was slight.⁸ The negotiations would be taken out of his hands anyway, and he could be bound by a rigid reiteration of his instructions.

Badeau also wrote Grant pleading that Motley's offence for once be overlooked. The result was that the Minister escaped with a letter of censure. Fish should have made it more severe, but Motley was notoriously sensitive; Badeau had suggested that he be coaxed around by gentle treatment;⁹ and at the time it seemed sharp enough. After commending his "general presentation" of the subject, Fish told him¹⁰ that he had failed to state the President's view on the Queen's proclamation in precise conformity with his instructions. This, he thought, might be because Motley had conveyed his ideas orally and not in writing. He wished the matter noted. He wished also to inform Motley that whenever the discussion of the Claims was renewed, it would be conducted in the United States. As soon as the British intimated a desire to reopen the negotiation, he was to inform Lord Clarendon of this fact. Having

⁸ Fish doubtless heard from the British Minister, Thornton, that Clarendon had taken Motley's indiscreet statements in good part. Clarendon to Thornton, June 10, 1869; PRO, FO 115, 487.

⁹ Badeau, *Grant in Peace*, 202.

¹⁰ Senate Exec. Doc., 41st Congress, 3rd Session, No. 11, pp. 10, 11.

thus summarily excluded Motley from the negotiation, Fish added a sentence on the interview to salve his wounded feelings. "It was strongly done, and if there were expressions used stronger than were required by your instructions, the excess was in the right direction. . . ." There the matter rested. The Secretary said later that he would have been more severe but for two facts; he believed that Motley had already "received a check" from Clarendon on one of his statements, and he thought that the withdrawal of the negotiation from him was itself a severe reprimand.¹¹

II

The reprimand fell upon Motley with mortifying effect. Following his interview with Clarendon he had dined with him and the Duke of Argyll, and talked with various eminent Englishmen. He believed that he was getting on famously. Even his old dispute with Gladstone had been terminated in a creditable manner. He had told Clarendon that he would not explain away any part of his dispatch from Vienna in 1862 denouncing Gladstone; that he had never called Gladstone a liar; and that he still thought Gladstone much in the wrong when he declared that Jefferson Davis was creating a nation. This defiant statement caused Lords Clarendon and Granville to look at the dispatch in question. They concluded that it did not justify Gladstone's impression that he had been accused of falsehood, and Gladstone promised he would drop the matter. And so he did, very handsomely. He and Motley left cards upon each other. When the Minister went to an assembly at Gladstone's house, Mrs. Gladstone greeted him cordially, and said that her husband, abed with a severe cold, had charged her to say particularly how much he regretted not being there. A few days later the two men met at dinner at Lord Sydney's, and had a long, friendly talk about history and British politics.¹²

While thus prospering socially, Motley had believed the whole conduct of the Alabama Claims would be left in his hands. In this happy confidence he had talked freely to Englishmen. He had also written Fish a self-complacent request (June 19, 1869) for advice on the best way to push the matter when the moment seemed ripe.¹³

¹¹ *Ibid.*, 27 ff.; Fish to Moran, December 30, 1870.

¹² Motley to Fish, London, June 16, 1869; Fish Papers.

¹³ Fish Papers; "confidential and unofficial."

I should be exceedingly obliged if you would communicate to me, very confidentially and privately, in an unofficial letter—as soon as it is convenient—what the intentions of the President are in regard to the attitude to be practically taken by the United States Government when this brief entr'acte is over. . . .

I assume that the President means to insist on adequate expressions of regret on the part of the British Government for the injuries to individuals and to the nation, and upon material reparation and indemnification for the general and the private losses.

I take it for granted that it is not to be asserted or intimated on our part, that we claim *material* or *pecuniary* compensation for any insult, for any offence to the national *honor*, as that of course can only be atoned for in one of two obvious ways. It seems to me that we have ample right to complain to the British Government of vast injuries, but that the insults have come from individuals. For the injuries the Government is responsible by reason of culpable negligence and laches, amounting to constructive connivance, and by the *confessed* incapacity of English courts of law to enforce international obligations.

But I have no intention of going into these familiar matters just now, any more than would Lord Clarendon the other day. But, I should like to be informed, confidentially, when you can find time for it, what will be the general nature, the leading ideas of the new negotiations whenever they shall be resumed. As the proposal of suspension has come from us it is possible that they will expect a resumption on our part. There will be time for it and to decide about that. Meantime the calm, which has succeeded the storm, continues. Only they may *drift* into a kind of security of conviction that we have abandoned or much modified claims which we have really no intention of relinquishing.

I should like to be informed beforehand, as secretly as you can, what are likely to be the President's practical intentions as to the mode of stating and enforcing our claims, when they shall be formulated.

I have had a two hours talk with Mr. Bright, and a very earnest one. But I have not time to speak of it now—for the mail is just closing. He is as strong as any American on the Alabama business as such, and would be willing to leave it to any arbiter whom *we* would ourselves appoint, and agree to his award without a murmur. . . .

Naturally, the reprimand was a stinging douche of cold water. When Moran read it he wrote: ¹⁴ "This is a censure and a rebuke which few men would stand and not resign. In fact, it reduces him [Motley] to a cipher." As we have seen, George Bemis of Boston, one of Sumner's close friends, a student of international law, and for several years the chief advocate among American lawyers of large claims for the "hasty"

¹⁴ Diary, July 10, 1869.

proclamation of belligerency, had been coaching Motley upon the *Alabama* question. Sumner doubtless had urged him to go to London, where he expected him and Motley to take charge of negotiations. Now he assisted Motley in a reply to Fish, in which the Minister attempted to defend his conduct.¹⁵ Indeed, Motley poured out four long paragraphs of explanation; and by implication, if not in set terms, apologized for having gone "somewhat beyond the strict letter of my instructions."

Affairs in the legation, with Bemis closeted with Motley, Badeau prowling discontentedly about, and Moran surveying them all with jaundiced eye, were anything but harmonious. We find in Moran's diary:

July 15, 1869.—Mr. Motley says he knows he overstated the case in his first official interview with Lord Clarendon, and exceeded the letter of his instructions. But he defended himself to me for doing so.

July 16, 1869.—Mr. Motley has altered his dispatch in reply to Mr. Fish's No. 23, converting it into two. He talks in the latter one, No. 49, of his knowledge of the *Alabama* question; but the fact is he knows but little about its merits and what he does know has been mainly devined (*sic*) from Mr. Bemis, who has been coaching him upon it for three weeks daily. This is bad for it gives him in fact a superficial view of the case which is calculated to mislead him. Mr. Bemis dwells too much upon trifles, and Mr. Motley is an apt scholar of Mr. Bemis. I think the result will not be satisfactory in the long run. . . .

General Badeau complains a great deal of neglect at Mr. Motley's hands and says he feels sure the President will rebuke him for not carrying out his instructions properly on the *Alabama* affair. He wants to act as Minister himself and really goes around talking semi-officially to people here, both in the government and in the diplomatic body. This must sooner or later end in a quarrel between him and Mr. Motley, as it will compromise the latter. He clearly has not carried out his instructions in many particulars; but has gone directly in opposition to them in one important particular, thereby obeying Mr. Sumner rather than the President. . . .

These instructions Mr. Motley has not conveyed to Lord Clarendon, nor has he in his social and private intercourse seen fit to adopt this view of the issuance of the declaration of neutrality by Great Britain, though told so to do; and although he knows that this very important point in his instructions was put there by General Grant himself and that the President authorized Badeau to talk in that sense privately and unofficially here. Mr.

¹⁵ *Ibid.* Moran notes later in his diary Bemis's confession of extreme hostility for Great Britain, a country on whose soil he could hardly bear to remain. Cf. Bemis' pamphlet, *Mr. Reverdy Johnson: The Alabama Negotiations and Their Just Repudiation* (1869).

Motley's failure has annoyed Badeau because it has spoiled his opportunity of making himself conspicuous.

Within a short time Motley's conduct looked even darker than when Secretary Fish penned his rebuke. For just a month after this reprimand, he wrote ¹⁶ that he had "inadvertently" neglected to mention that his dispatch containing the minute account of his interview with Lord Clarendon had been submitted to his lordship, who had read it carefully. This threw an entirely new light upon the episode. Secretary Fish had kindly remarked that Motley would doubtless have followed his instructions more precisely if he had submitted an instrument in writing; Motley had apparently assented to this by silence; and now, some weeks later, he suddenly remembered that he *had* submitted a written instrument! Moreover, he had allowed Lord Clarendon to continue all this time in the belief that the written document represented the views of the Grant Administration. When Grant heard of this, his anger again rose and he wished to recall Motley immediately. But once more Fish intervened. He contented himself with ordering the Minister to say to Lord Clarendon that his presentation of the subject in the interview of June 10 had been disapproved by the Secretary of State.

Nor was this the whole of Motley's offense. During July or August Secretary Fish received from someone a letter which Motley had written the Massachusetts Senator under date of June 16, 1869. Perhaps it was sent by Badeau; perhaps by Sumner himself.¹⁷ It contained the following passages, never before published, of which the first sentence was so outrageous that it would have justified summary dismissal. Indeed, the difficulty is in understanding why Fish did not instantly order Motley home in disgrace:

I can bring on a war with this country, or at least a decided rupture, in a very few days' notice.

Bright is in a state of suppressed wrath at your speech. I said that the speech was not a diplomatic document, addressed categorically from one government to another, but an address of an independent Senator, chairman of Foreign Relations, speaking for that committee, and for himself; that you had made no demand either of apology or money, that being left open for diplomacy and negotiation.

¹⁶ Motley to Fish, July 30, 1869; Senate Exec. Doc., 41st Congress, 3rd Session, No. 11, p. 13.

¹⁷ Fish Papers; Sumner later wrote Fish that he had received no letter from Motley this summer which he did not share with the Secretary.

The speech, considered as a setting forth of the sentiments on the great national wrong which had been sustained, was accepted by a very large portion of the people as a legitimate and not exaggerated expression of grievance. It was not to be supposed that the statement of a vast grievance was answered by calling it extravagant, absurd, and erroneous.

Not even Motley's admirers have been able to place his conduct in a creditable light. It may be explained on two theories. One is that, in the warmth of discussion with Clarendon, he indulged in unpremeditated terms stronger than his instructions authorized; the other is that, resolved to give force to the view of Sumner rather than of Grant and Fish, he inserted premeditated terms which would have that effect, but which he hoped would escape Fish's attention, or would be good-naturedly accepted as proper enough. The first theory reflects upon his discretion, but vindicates his integrity. The second theory vindicates his calmness but impugns his fidelity to a solemn trust. Fish amiably took the former view. Whether, in the light of Motley's rejected memorandum, his failure to report until weeks later that he had given a written paper to Lord Clarendon, and above all his letter of June 16 about "bringing on a war," this is a tenable view, must be pronounced very doubtful.

In any event, Fish erred in not dismissing Motley forthwith. This was Grant's subsequent opinion. It was also the opinion of Bancroft Davis.¹⁸ It is the primary duty of a diplomatic officer, Davis later wrote, to obey the instructions of his superior. He has no more right to exercise his own judgment when it conflicts with the express will of his superior than an army officer has to disobey the commanding general because he thinks something better could be done. Davis later believed that Motley had consistently acted as an agent of Sumner. Since Motley's letters to Sumner have disappeared, this is a point upon which we cannot pronounce with certainty. But Sumner was certainly writing the Minister some curious notes at the time. For example, he attempted on June 15 to work Motley up to a full sense of his opportunity.¹⁹ "All feel that your position is as historic as any described by your pen. England must listen, and at last yield. I do not despair seeing the debate

¹⁸ Davis, *Mr. Fish and the Alabama Claims*, 40, 41.

¹⁹ Pierce, *Sumner*, IV, 410. No one can examine the Sumner MSS at Harvard University without feeling that the adulation which radical anti-slavery, anti-Southern, and anti-Johnson groups poured over him might well give any man delusions of grandeur. C. F. Winslow wrote him September 28, 1869, thanking him for an interview. "You sighed and said you were 'weary—weary—weary.' Well, the great immortals have always been weary."

end—(1) in the withdrawal of England from this hemisphere; (2) in remodelling international law. Such a consummation would place our republic at the head of the civilized world.” Five days later Sumner added: ²⁰ “With more experience at Washington, our front would have been more perfect”—in other words, if Grant and Fish had known as much as Sumner and Motley, American interests would have been better protected. But a break with Sumner would have been a heavy blow to the groping Administration, and the Secretary hesitated to risk it.

III

At this moment the focus of interest in Anglo-American affairs suddenly swung from London to Washington. There it was destined to remain. Thanks to Reverdy Johnson and Sumner, two years of intermittent negotiations were to be necessary before a settlement of the Alabama Claims became possible. The first inconclusive steps were taken in July in the heat-tormented city on the Potomac.

Fish had been at Glenclyffe from June 29 to July 7. The day after his return, the British Minister, Thornton, ushered into his office a gentleman of distinguished bearing—the Canadian Minister of Finance, John Rose.²¹ Fish had heard from Caleb Cushing a fortnight earlier that Rose wished to discuss the basis for a new reciprocity treaty with Canada, as well as questions of fisheries, copyright, patent laws, the navigation of the St. Lawrence, and extradition. He had also learned something about Rose from John C. Hamilton, who had long admired the man. Rose was now almost fifty. He had been born and educated in Scotland, had studied law in Canada, had risen to the highest position at the Montreal bar, and after being Solicitor-General for Lower Canada, had become in 1867 the first Dominion Minister of Finance. He spoke with a Scotch burr, and while his manner was ingratiatingly affable, his blue eyes snapped with shrewdness. In close touch with the great business and banking interests of Canada, at one time he had been a warm advocate of annexation to the United States. But even before Confederation he had given up such views. The chief purpose of his present visit was to discuss the possibility of a tariff arrangement, with substantial free lists on both sides.

²⁰ Pierce, *Sumner*, IV.

²¹ Diary, July 8, 1869; cf. *Cambridge History of the British Empire*, VI, 342, 348, 350, 645, and *Dictionary of National Biography* for Rose's career.

At heart, Fish mildly favored reciprocity with Canada. But he told Rose frankly that he did not believe an agreement could be gotten through Congress. In any event, it would stand no chance unless the House Ways and Means Committee urged it, and the committeemen had scattered to their homes. "I fear the effect of delay," remarked Rose. "The present situation is very unsatisfactory to us. Our Parliament may increase the license fees for your fishing vessels, the duties on American salt and flour, and so on." He had a confidential basis for a reciprocity treaty with him, which later he asked Fish to lay before Congressional leaders. The Secretary invited him to dine.

"At dinner," runs Fish's diary next day,²² "Mr. Rose and I conversed on the subject of the *Alabama* Claims, etc." Thus quickly had the discussion switched from Canadian reciprocity to the great burning question between England and America. For how could Canadian reciprocity be dealt with by Congress when important Congressional leaders had their hearts set upon Canadian annexation?

Rose remarked that he was filled with anxiety by the critical character of Anglo-American relations. Rejection of the Johnson-Clarendon Convention and Mr. Sumner's speech, he feared, precluded any settlement.²³ Secretary Fish dissented. The situation, he declared, was by no means hopeless. Twice before, when the two nations had been close to a rupture, Great Britain had sent over a special envoy—Lord Ashburton in 1842, Lord Elgin in 1854—and an agreement had been reached. Why could it not be done again? Yes, said Rose, more hopefully, England might send over the Duke of Argyll, or the Rt. Hon. William E. Forster—both vigorous advocates of the Northern cause during the war. These names impressed Fish favorably. But he remarked that the two governments must wait until the hour was ripe. British sentiment was still irritated, American feeling had been raised to cupidity by Sumner's enormous estimates of damage, and time must be allowed for a spirit of reason to develop. When the excitement subsided, Great Britain would do well to send one or more men of high rank to Washington, empowered to begin negotiations by a sincere word of regret. This would pave the way toward a lasting settlement.

On Sunday, July 11th, Rose called at Fish's house to take leave. He was going to England during the summer, and when he suggested that he might be of service there, Fish encouraged him.

²² Diary, July 9, 1869.

²³ Davis, *Mr. Fish and the Alabama Claims*, 45.

"I do not think Sumner's speech the proper basis for a 'demand' upon England," said the Secretary. "Nevertheless, England must regard it as a fair presentation of the American sense of grievance. It is true that all grievances may not be susceptible of indemnification, but England should appreciate his speech as giving our view of what we have suffered. If they will accept it in this light, and show that they desire a settlement, all may yet be well. Some kind expressions of regret, and a competent indemnity, are indispensable. They may be coupled with an agreement as to the laws of neutrality for the future, binding both nations, and so framed that we can assume a recognition of our view as to the past, without any positive admission of wrong (so far as the neutrality proclamation went) on the part of Great Britain. It should be possible to work out a settlement on this basis. But something that goes much further than Reverdy Johnson's treaty will be necessary. The *Alabama* Claims, in my opinion, should be treated separately from ordinary commercial or other international claims. Perhaps a separate convention would be best; at any rate, there should be some distinction."

A special British mission was again spoken of. "Mr. Rose suggested," writes Fish in his diary, "as he did evening before last at dinner, the Duke of Argyll, to which I assented. John Bright was named; I thought that not so promising. Lord Granville, Sir Henry Bulwer were also named. I suggested early next winter as the best time; said that our demand had been made and at one time positively rejected; then came the treaty which was not ratified; that our claim and demand were before the British Government, and whenever they thought proper to consider it, we were prepared to do so." With that, Rose left.

IV

Immediately after, a brief midsummer lull fell upon foreign relations. Fish spent July in an almost deserted Washington. Congress had adjourned. Grant, returning from Boston and West Point, was off again on July 19 to join his family at Long Branch. Sumner, comfortably persuading himself that Grant and Fish did not profoundly disagree with him on the English question, also flitted northward. On June 7 Grant, talking with him, had made some complimentary remarks about Motley, but that was before he heard of Motley's state-

ment to Lord Clarendon.²⁴ The principal diplomatists left for shore or mountain.

Most of the Cabinet remained with Fish, toiling grimly in torrid buildings. Rockwood Hoar gaily described the weather to his wife.²⁵ "Washington is hot! hotter!! hottentot! hottentoter!! hottentotest!!! more hottentoter! most hottentotest!!!!!! The daily bill of fare is as follows: For breakfast, Attorney-General broiled; for dinner, Attorney-General roasted; for supper, Attorney-General boiled, and the same dish kept hot in the oven and served any hour of the night." On July 16 the thermometer was reported at 106, and at the National Hotel, a favorite rendezvous of Democrats, 110. On warm evenings Fish, Hoar, or some friend with a carriage would make up a party for a drive along Rock Creek, to the Soldiers' Home, or through the grounds of the banker, W. W. Corcoran. On July 30 the Secretary left for Glenclyffe, where he spent parts of the next five weeks. His sojourn was interrupted by four visits to Washington and one to Long Branch; while even Cuban filibustering, Fenian threats, and other business gave him as much work as if he had remained in the capital. The only relief was in the cooler temperature. He returned to Washington for good at the end of August, too busy for even a flying trip to Newport on September 5 for his son's wedding.

At Glenclyffe visitors came and went. Sumner, after much dining out in Boston and welcoming Longfellow home from Europe, came down the Hudson Valley. He loitered from one house to another, visiting John V. L. Pruyn at Albany and an old Harvard classmate just below. "You shall always find a welcome under my roof," Fish had written him.²⁶ He stayed several days; they discussed the *Alabama* Claims, and Fish told Sumner of his talks with John Rose and his hope that Argyll would be sent from England as head of a special mission. He added: ²⁷ "The duke must not come unless to be successful. The case must not be embittered by another rejection."

Meanwhile, in England the claims question had been dropped. Curiously enough, Motley's interview with Clarendon had given no particular irritation to the Foreign Secretary. He jested with Moran about the long dispatch which Motley had sent upon it to the Secretary of State, thirty-two pages, saying that his own report to the Cabinet

²⁴ Pierce, *Sumner*, IV, 409.

²⁵ Storey and Emerson, *Rockwood Hoar*, 215, 216.

²⁶ Fish to Sumner, August 3, 1869; Letterbooks.

²⁷ Pierce, *Sumner*, IV, 413.

covered only four! And in writing to Thornton he described the interview without any resentment.²⁸

Motley, he reported, had attributed the rejection of the Johnson-Clarendon Convention primarily to the facts that it embraced no *national* claims, settled no questions, and laid down no principles. He had stated that the rejection implied no discourtesy. I agreed to a postponement, wrote Clarendon, "though I did not consider that the excitement to which he had alluded was great in this country. But I thought it would be very objectionable indefinitely to postpone a settlement and to treat the matter as a quarrel held in suspension to be revived only when circumstances might make it the interest of either party to do so. . . . Mr. Motley laid great stress upon the opportunity that would be afforded to two great maritime nations to lay down some general principles of international law. . . . I said I could give no better proof of the readiness of H. M. Govt. to meet the U. S. on this ground than the fact that I myself had made a similar proposal to Mr. Adams, as might be seen in the papers laid before Parliament, who, however, had shown no disposition to entertain it. Mr. Motley said that his Government did not question the right of England or any other country to confer belligerent rights but that the Govt. which acted in that manner must do so at its own risk and responsibility. . . ." Upon Motley's making some further remarks, Clarendon replied that he was fully prepared to defend the conduct of the British Government, but that if no negotiation was to take place at once, it was undesirable to discuss the subject. It is evident that Clarendon was anxious not to deal with Motley's statements contentiously.

But Fish still felt a deep concern. He knew that one overshadowing danger persisted: the danger that Grant and Sumner, who perfectly agreed upon most essential points of the Alabama question, would join hands in an aggressive policy against Great Britain.

There had never been any question as to Grant's position on the *Alabama* Claims. He believed that great wrongs had been done the United States, and that reparation must go far beyond a small money-payment. He also believed the absorption of Canada by the Union to be inevitable, and for both peoples highly desirable.²⁹ Only less than Rawlins, he was an expansionist. After Appomattox he had been in

²⁸ Clarendon to Thornton, June 10, 1869; PRO, FO 115, 487.

²⁹ C. F. Adams, Jr., *Lee at Appomattox*, 153, 154.

favor of an immediate invasion of Mexico to drive out the French and overthrow Maximilian.³⁰ He was ready for large acquisitions of territory in the West Indies. He had given some thought before entering the Presidency to a campaign against Canada, and had concluded that if Sheridan could not take possession in thirty days, he ought to be cashiered. As events showed, his natural associates among members of Congress were men like Zachariah Chandler and Ben Butler, who ardently desired Canada. The former had spoken in April of a "short, sharp, and decisive war" to gain it.³¹ There lurked at the back of Grant's mind—essentially a military mind—the idea that if peaceful negotiations with Great Britain failed, then we might well conquer the Provinces as our proper due.

In this he went further in some respects than Sumner. For while Sumner also coveted Canada, and thirsted to have his name written at the head of that chapter in our national history which recorded its acquisition, he hoped to obtain it peaceably. It should be extorted without a shot, and with the consent of a majority of its inhabitants. He believed that Great Britain might soon make this cession under stern moral and diplomatic pressure alone. Only cause the British people to understand how huge was the wrong they had done us; make them realize how unshakable was our resentment of it; let them feel how perilous was their position, with a hostile Europe on one side, and an implacable America on the other, and they would yield. They must know that if they did not conciliate the United States, their next war would see Canada drop into American hands, and British commerce swept from the ocean by American-built cruisers. The debate should end, as he wrote Motley,³² in the withdrawal of England from the hemisphere. And he informed his friend Dr. Samuel Gridley Howe: ³³ "I look to annexation at the North. I wish to have that whole zone from Newfoundland to Vancouver."

But while Sumner talked of peaceful annexation, and Grant thought of possible annexation by war, the two policies came to the same end; for annexation as Sumner wished it could never be effected peacefully. He desired to hector Great Britain until she made the cession. Till then he planned to keep the issues between the two nations open. They

³⁰ J. R. Young, *Around the World with General Grant*, II, 163.

³¹ *Ibid.*; Coolidge, *Grant*, 295.

³² June 15, 1869; Pierce, *Sumner*, IV, 410.

³³ Adams, *Lee at Appomattox*, 154.

would constitute an unhealing sore, to be poisoned by repeated speeches on the American side, and to present a constant threat to the English Government. His threat would eventually mean a rupture of some kind. When this rupture came, belligerent politicians in the United States would be waiting impatiently to seize the opportunity for war and conquest. Grant would quickly yield to their pressure.

Sumner's friend George Bemis realized this perfectly, if Sumner did not; and Fish's papers contain a copy of a letter which Bemis wrote the Senator from London, June 19, 1869.³⁴ Bemis feared that the differences with Britain would not be healed in time, and that a war would yet be fought. The British Government, he declared, could not offer such a settlement as Sumner seemed to expect; and if the question were caught into the vortex of American politics, the result would soon be a peremptory demand for satisfaction which England would reject as a wound to her national honor. He implored Sumner not to let the issue become a party firebrand, for if that happened he as a lifelong pacifist would eventually have to resist the popular demand for war with Britain. Andrew Johnson, he thought, might have gained reflection on such an issue; such a demagogue as Ben Butler might yet raise and ride the whirlwind. Thornton realized the same danger. Hence his eagerness to introduce John Rose, to have Fish and Rose talk over the *Alabama* dispute, and to see other steps taken toward a settlement.

Fish, perceiving that Grant and Sumner were in very different ways romanticists, was himself a realist. He did not share Sumner's romantic notion that threatening speeches and ominous silences would bring the greatest empire of modern times, in a mixture of panic and penitence, to surrender Canada. He did not share Grant's romantic notion that a war with Great Britain would be short, glorious, and delightful. As against Sumner, he knew that Great Britain was the last Power on earth to make a territorial cession under threat. As against Grant, he knew that wars with Great Britain are never short and always attended with great peril. The London *Spectator* had just pointed out³⁵ the ability of England to blockade every American port, base an army of 250,000 men on the fortress of Quebec, and perhaps raise the South in arms. Fish preferred to think neither of cessions nor of war. He believed that we could gain far more by tact, conciliation, and as rapid

³⁴ Fish made this copy in his own hand; Fish Papers.

³⁵ May 15, 1869.

a settlement as possible.

We might even, he hoped, acquire Canada in that way. Menaces would only make England more grimly immovable, the Canadians more antagonistic. The proper course was to persuade a friendly Great Britain to acknowledge Canadian independence. A remarkable number of British statesmen and publicists were convinced that colonies contributed little to England, that eventual independence was inevitable, and that it would be wise to hasten the separation.³⁶ Even the Tory *Saturday Review* asserted that the formation of four or five new States of the Union north of the St. Lawrence and Lakes would do no injury to the Motherland. Fish knew also that sentiment for independence was strong in parts of Nova Scotia, Quebec, and British Columbia. The New York press all summer was publishing articles upon the movement for liberation. "Of all the Provinces," said the *Tribune* in September, "Upper Canada seems to be the only one in which the independence sentiment is not advancing fast." On June 9 Fish had sounded the British Minister upon the possibility of American acquisition of the Provinces. Thornton had categorically replied that England "did not wish to keep Canada, but could not part with it without the consent of the inhabitants." In Fish's view, Canadian independence should come first. Once this was effected, the Provinces would gravitate willingly—perhaps one by one, perhaps together—to the United States. He was constantly receiving letters and newspaper clippings upon the eagerness of various Canadian groups to join the republic.³⁷ He was anxious to exert steady but gentle pressure for Canadian freedom; after that the United States could let Canada follow her own course.

It is plain that at first Grant and Sumner largely agreed on the *Alabama* question, while Fish was opposed to both. The tone of Sumner's philippic rather pleased the President. Grant had been irritated by reports of a conciliatory speech by Motley on first landing at Liverpool, and relieved when he learned that the Minister was taking a stiff stand. The one vital difference between the two was upon the English

³⁶ R. L. Schuyler, "The Climax of Anti-Imperialism in England," *Political Science Quarterly*, December, 1921. The Canadian Archives in Ottawa contain numerous pamphlets on independence or annexation, the authors including the Hon. John Young, the Hon. L. S. Huntingdon, Thomas Briggs, David Mills, and Goldwin Smith. The *Toronto Globe* had said November 11, 1865: "In the process of time we suppose our egotistical neighbors will discover the entire impossibility of coercing Canada into union with them. It is not creditable that with all their sagacity and shrewdness they have not discovered it long ago."

³⁷ Still in the Fish Papers.

proclamation of belligerency in 1861. Sumner deemed this the greatest of the British crimes; Grant, who was pondering a similar step with regard to Cuba, did not think it a crime at all! But apart from this point, both were uncompromising, both desired the direct acquisition of Canada, and both were hopefully regarded by all jingoes. "There never was such an act of lunacy as war would be," said the London *Spectator*, "yet it is war that speeches like those of Mr. Sumner would force on us."

v

During the summer of 1869 Fish continued to meditate upon the possibility of an English mission to America. The Duke of Argyll seemed to him the best possible head; for while John Bright would once have been as good, he had shown resentment over Sumner's speech, with a resultant strain upon their relations. Whoever was sent to Washington, it should not be a man whom Sumner disliked. The Senator, as a series of notes showed, was still in a waspish mood. He wrote Fish on July 10 from Boston: ³⁸

I see that Mr. Gladstone fortifies himself by an alleged excitement in our country. Nobody here is excited. It is in England that the excitement prevails. The more I reflect upon our case and confer with our best people here, the more I am satisfied that I did not go too far in the statement of our grievance. When the debate comes on, I think that you will find that graves and epitaphs will count.

I enclose an article in the [Boston] *Advertiser*, written by P. W. Chandler, one of our ablest lawyers. I send also a letter from Motley, showing some sensibility at the criticism of his speaking at Liverpool, and also a long conversation with Mr. Bright. To the latter I have replied. I beg you not to be anxious on this account. Mr. Bright has no just ground of complaint. His rage is a part of the prevailing anger.

And again the next day, from Nahant:

I have sent Mr. Motley's No. 8 to Mr. Hunter—nobody having seen it or knowing anything about it.

The only point which troubles me is the intimation that the postponement was on our account. I supposed it was to be on account of the known excitement in England; that for the present, we were not disposed to press the negotiation, as there was reason to believe that England was not in a mood to

³⁸ Fish Papers.

entertain it, but that we are ready for it at any time.

This brings me again to a view which I mentioned in my note of yesterday: that we should confine ourselves at first to a statement of our case, *so that England may see its extent*. When England sees the grievance, as we see it—when she learns that our generals from the President down all believe that the war, with its deaths and expenditures, with present taxation, was prolonged through her conduct and that this is the conviction of our people—let her grasp this idea, and she will be ready for the remedy. But the remedy cannot be proposed until the case is understood, and the sooner that is stated the better. Should it not be before the meeting of Congress?

And on July 21:

You ask what I had written to Motley which put him on the defensive. Nothing except that his speeches at Liverpool were criticized. I thought he ought to know this. It seems to me that he dealt very well with John Bright, whose conduct is not creditable. Is it not a part of that prevailing madness which has made their press and everybody else so unjust? *I assure you, he has no ground of complaint against me.*

I do not fear that politicians can control the Alabama question if we do our duty. We must keep the case in our hands, but this can be only by showing that we are in earnest. *We must make England know and feel our grievance*, before we make any proposition.

In circles which knew that Fish had talked to Thornton and Rose of an English mission, various names were being proposed. Among them were Sir Henry Bulwer, Lord Granville, W. E. Forster, and Vernon Harcourt. Fish thought well of some, ill of others.³⁹ He informally let Englishmen know that Bright was impossible, for ill-feeling would be most undesirable between a special negotiator and the Foreign Relations chairman, "especially a chairman who has taken the position, and claims the right of control over this question, that our friend Sumner claims." At the same time he told friends that the Duke of Argyll was being sounded by Rose as to his willingness to go to Washington.⁴⁰

Early in September a confidential proposal by John Bright for ending the Anglo-American difficulties elicited a new expression of Fish's opinions. John C. Hamilton had sent Bright the conciliatory article which, at Fish's request, he had contributed to the New York *Tribune*. Bright read it carefully, consulted Gladstone, and then drew up a highly informal plan for a settlement. This he sent to Hamilton, know-

³⁹ Fish to Dr. Francis Lieber, August 27, 1869; Letterbooks.

⁴⁰ *Ibid.*

ing that it would be placed before Fish. The latter was pleased by the gesture, but not by the plan. In a long letter to Hamilton he pointed out that the project differed too slightly from the Johnson-Clarendon Convention,⁴¹ and he thought it worse than useless to proceed on this basis, for another failure would embitter the relations of the two countries. "Whenever negotiations are renewed there should be determination and an assurance of agreement." And he went on, with a generosity of tone which lifted the question far above the vindictive plane on which Sumner considered it:

"The two English-speaking—progressive, liberal—governments of the world should not, must not, be divided. Better let this question rest some years even (if that be necessary) than risk failure in another attempt at settlement. I do not say this because I wish to postpone a settlement; on the contrary, I should esteem it the greatest glory and greatest happiness of my life if it could be settled while I remain in official position—and I should esteem it the greatest benefit to my country to bring it to an early settlement. But I *know* that the country will not be satisfied with the principle and theory of the Johnson Treaty. It may be that they *would have* accepted that treaty even some time since more readily than one on the plan proposed by Mr. Bright, but the very rejection of that treaty precludes the other, as suggested. I want to have the question settled. I would not, if I could, impose any humiliating position on Great Britain. I would not be a party to anything that proposes to 'threaten' her. I believe that she is great enough to be just, and I trust that she is wise enough to maintain her own greatness—no greatness is inconsistent with some errors. Mr. Bright thinks she was drawn into errors; so do we. If she can be brought to think so, it will not be necessary for her to say so; at least not to say it very loudly. It may be said by a definition of what *shall* be maritime international law in the future, and a few kind words; she will want in the future what we *have* claimed; thus she will be benefited—we satisfied."

Fortunate for America, more fortunate still for Britain and Canada, that Grant had chosen a Secretary of State who would speak in these terms! For the spirit of this utterance led straight to an assured peace, as the tenor of Sumner's speech and Zack Chandler's threats led

⁴¹ See the Fish-J. C. Hamilton correspondence, August-September, 1869; Fish Papers. Fish's letter is dated September 4.

straight toward war. It was the spirit of Lowell's poem at the Harvard Commencement:

Woe worth the hour of madness that devotes
Freedom's two champions to each other's throats.
O matris pulchrae, filia pulchrior,
Pout if you will, but sulk not into war!

VI

But though Fish was patient with British pride, he knew he must reckon with American public sentiment. While he waited for a favorable moment, he must protect himself from imputations of weakness. In particular, he must protect himself from Sumner, whose threat of a Senatorial inquest into the State Department's policy unquestionably kept recurring to his mind. The Senator had referred to the impending "international debate, the greatest of our history, and, before it is finished, in all probability the greatest of all history." Obviously he hoped to be its central figure. We have quoted the words in which he told Motley that his position was as historic as any in the days of Elizabeth, that England must withdraw from the hemisphere, and that this triumph would place the United States at the head of the world. The glory should be his—his the rôle of cloud-compeller. If Fish did not show that he was acting energetically, the Senator would rise in his seat and the next session of Congress prove one long coruscation of oratory, with Sumner hurling thunderbolts at Britain while Chandler, Banks, and Butler detonated squibs and stink-bombs.

Fish must hurl a thunderbolt or two himself. Once he had done this with the right Jovian gesture, the Administration could ask the Senators not to imperil delicate diplomatic negotiations. On every side men were manifesting eagerness, if the State Department remained passive, to rush into the breach. America always teems with gifted amateur diplomats, and now they were rising to save the nation.

Carl Schurz, for example, long a close friend of Sumner, was taking a hand. He had been corresponding with an "important personage" in Berlin—beyond doubt Bismarck himself, for Motley soon informed Fish that he had received a letter from Bismarck on the Claims. Schurz had written that the annexation of Canada would satisfactorily settle all American differences with England, and had suggested that German

assistance would be helpful. The "important personage," who felt no friendship for England, replied in encouraging vein. He thought that annexation would be an admirable solution; he believed that England should be pressed gently but firmly—no provocative language, the matter made one of interest, not honor; and he offered his influence. Schurz, officiously delighted, hastened to ask Fish (June 22) to use him as an intermediary.⁴² In particular, he wished the State Department to give him confidential information about every new development in our relations with England, so that he could convey it to "our friend" in Berlin. It was a delicate business, he remarked, and a clear understanding as to a definite method of coöperation should be arrived at. Fish was anything but eager to see heavy-handed Prussians meddling with his English negotiations, and made this clear by an emphatic silence. Another note came on September 14 from Schurz:

On my return from California I found here a letter from my correspondent at Berlin of whom you know. . . . The letter is dated on the 4th of August, and the passage relating to Canadian matters, translated from the German, reads as follows: "According to my previous communication we have confidentially sounded the English Cabinet. There appears to be no intention there to hold on to the provinces as a matter of principle, but it is represented that, with the exception of one locality, the population itself is not favorably disposed toward annexation on account of the high (American) taxes, and in this fact the Cabinet would find a moral obstacle to its proposing on its part anything of the kind."

This would seem to indicate that if the population could be induced to show in some way a favorable disposition, the moral obstacle would be removed, and the matter would be favorably entertained at headquarters.

Unquestionably, Schurz would be glad to lift his voice in a resounding eruption upon the Claims when Congress opened.

Sumner himself made it plain, when he visited Glenclyffe in August, that he expected to harp upon the subject and use every opening to harass British susceptibilities. He advised Fish to present the American case at once, in its "full length and breadth," in order to emphasize our grievance.⁴³ This paper should be drafted without specific demands, but with sufficient force to compel the British Government to give the subject anxious consideration, and to think over their reparation. He insisted that something of the kind must be done before Congress sat,

⁴² Fish Papers; dated at St. Louis.

⁴³ Pierce, *Sumner*, IV, 412.

or there would be dissatisfaction. In other words, if Fish did not press the matter on England "with all its aggravations," the Senate would do so for him. And indeed, Sumner made a speech to the Massachusetts Republican Convention at Worcester on September 22 in which he treated Anglo-American affairs with characteristic freedom. He replied to British critics on the question of belligerency.⁴⁴ Then, adverting to Canada, he declared that absorption into the United States was her appointed destiny, but that it should come about peacefully, with the consent of the people. He closed with a glowing picture of the republic as it would stand after this continental expansion. This address, received with fresh irritation in Great Britain and indignation in parts of Canada, did nothing to improve the situation.

Meanwhile, the British Government was far from showing the attitude which Fish desired. There was no evidence that it regarded the subject with special uneasiness, or intended responding to John Rose's hints upon a special mission. It was taking too much advantage of Fish's notification that a suspension of the discussion was desirable, and forgetting that he had asked that this suspension be short. Badeau wrote Fish on July 5 that even the Liberals were sour and resentful, and disinclined to call for early action.⁴⁵ They were angry at Sumner for not acknowledging the position which many of them had held during the Civil War. "I have heard Mr. Bright, Mr. Otway, Mr. Forster, and Mr. Torrens speak almost bitterly on the subject. They all declare that England is willing enough to pay any damages that Americans received by reason of the *Alabama*; they all admit that England was to blame; but they say 'twas only a party and not all of England; they say that the recognition of belligerency was desired by the warmest friends of America here, and they all scout the idea of consequential or sentimental damages." British public feeling, in fact, sternly opposed any exhibition of timidity by the Government or any eating of humble pie. With difficulty, as we have noted, a resentful debate was avoided in the House of Commons. Friends of the United States, notably Sir Henry Bulwer, would have been answered with virulence by Conservative speakers. Thomas Balch wrote Fish ⁴⁶ that William Vernon Harcourt, the author of brilliant articles on the *Alabama* Claims in the *Saturday Review*, had prepared a broadside of law and logic for Sumner.

⁴⁴ *Ibid.*, 413.

⁴⁵ Fish Papers.

⁴⁶ August 6, 1869; Fish Papers.

For three main reasons, therefore, Fish thought it advisable to send London a sharp reminder that America was waiting for some definite step on its part. Such action would forestall bellicose speechmaking in the next session of Congress. The news that William Pitt Fessenden was dying had added to his uneasiness about the Senate. "His death will be a serious loss," he wrote; ⁴⁷ "he is the most powerful man in the Senate, and with some infirmities of temper, I regard him as the soundest and most reliable man there." His second reason was that a note might stimulate the British Government to take some action. Like other governments, it seldom responded to gentle hints, but required stern monitions. And lastly, Fish was apprehensive that the *Alabama* claimants, or speculators in claims, would settle directly with England and so weaken the American case.

Fish should have drawn this important note himself. Instead, he offered the task to Sumner, who declined on the plea of overwork, adding that Caleb Cushing possessed greater fitness. Fish then asked Cushing to write it. Inexperienced in foreign affairs and unduly self-distrustful in matters of international law, he exaggerated the need for expert aid in composing a document that must soon meet the Senate's scrutiny. Cushing was learned, but too much an *advocat*, and too strongly influenced by his old opinions upon the Queen's proclamation. However, Fish undoubtedly controlled his hand. On September 8 he inquired when he might bring his draft to the Secretary, "as it needs to be modified or written anew." ⁴⁸ It was discussed by the Cabinet, and on September 25 forwarded to Motley.

Fish's intention was to make the note rigorous enough to satisfy the Senate and render the British uncomfortable, but to keep it within the bounds of reason. In this he succeeded perfectly. It struck casual readers as being almost as stern as Sumner's speech. Motley at a later date wrote that it seemed to him to present no inconsistencies whatever with his own statement in June to Lord Clarendon. But the careful student will agree with Fish's subsequent statement ⁴⁹ that "there are wide differences and broad distinctions between those instructions and Mr. Motley's paper." The note went far—but not too far.

The United States began by complaining of the British proclamation

⁴⁷ To J. Meredith Read, September 4, 1869; Letterbooks.

⁴⁸ Fish Papers; cf. Pierce, *Sumner*, IV, 412.

⁴⁹ Fish to Moran, December 30, 1870; Senate Exec. Doc., 41st Congress, 3rd Sess., No. 11, p. 36.

of belligerency not as improper in itself, but in its precipitancy—as John Bright had said, in its undue and unfriendly haste. It had been determined upon four days before official knowledge reached London of Lincoln's blockade, and was signed the very day that Charles Francis Adams reached his post: ⁵⁰

The recognition of belligerency on the part of insurgents, although not so serious an act as the recognition of independence, yet might well be prejudicial to the legitimate government, and therefore be regarded by it as an act of unfriendliness. It was a step, therefore, to be taken with thoughtfulness, and with due regard to exigent circumstances. Governments had waited months, sometimes years, in the face of actual hostilities, without taking this step. But circumstances might arise to call for it. A ship of the insurgents might appear in the port of the neutral, or a collision might occur at sea, imposing on the neutral the necessity to act; or actual hostilities might have continued to rage in the theatre of insurgent war, combat after combat might have been fought for such a period of time, a mass of men may have engaged in actual war until they have acquired the consistency of military power, to repeat the idea of Mr. Canning, so as evidently to constitute the fact of belligerency, and to justify the recognition by the neutral; or the nearness of the seat of hostilities to the neutral may compel the latter to act. . . . There was no such fact of necessity, no such fact of continued and flagrant existing hostilities, to justify the action of Great Britain in the present case. Hence the United States felt constrained at the time to regard this proclamation as the sign of unfriendliness to them, and of friendliness to the insurgents, which purpose could not fail to aggravate all the evils of the pending contest, to strengthen the insurgents, and to embarrass the legitimate government. And so it proved, for as time went on . . . the spirit of the Queen's proclamation showed itself in the event; seeing that in virtue of the proclamation maritime enterprises in the ports of Great Britain, which would otherwise have been piratical, were rendered lawful, and thus Great Britain became, and to the end continued to be, the arsenal, the navy yard, and the treasury of the insurgent confederates.

But the note did not declare that the proclamation would be used to justify a claim for damages on the part of the United States. It made no claim that the war had been doubled by British policy. It did not deny that Great Britain had a perfect right to send munitions to the South and to buy Southern bonds. It did assert, however, in exaggerated language, that "it was the munitions of war and the wealth drawn by the insurgents from Great Britain which enabled them to withstand,

⁵⁰ Department of State MSS, Diplomatic Drafts, Great Britain.

year after year, the arms of the United States." And after treating the British-built cruisers, it spoke of national damages:

The President is not yet prepared to pronounce on the question of the indemnities which he thinks due by Great Britain to individual citizens of the United States, for the destruction of their property by rebel cruisers fitted out in the ports of Great Britain.

Nor is he now prepared to speak of the reparation which he thinks due by the British Government for the larger account of the vast *national* injuries it has inflicted on the United States.

Nor does he attempt now to measure the relative effect of the various causes of injury, whether by untimely recognition of belligerency, by suffering the fitting out of rebel cruisers, or by the supply of ships, arms, and munitions of war to the Confederates, or otherwise, in whatsoever manner.

Nor does it fall within the scope of this dispatch to discuss the important changes in the rules of public law, the desirableness of which has been demonstrated by the incidents of the last few years now under consideration. . . .

All these are subjects of future consideration; which, when the time for action shall arrive, the President will consider with sincere and earnest desire that all differences between the two nations shall be adjusted amicably, and compatibly with the honor of each, and to the promotion of future concord between them; to which end he will spare no effort within the range of his supreme duty to the right and interest of the United States.

Fish wrote Sumner October 15: ⁵¹ "The dispatch is a calm, full review of our entire case, making no demand, but I believe covering all the ground and all the points that have been made on our side."

VII

It soon became evident that the note had produced very little effect upon Great Britain. Lord Clarendon, when Motley read it, listened amiably. Though he resented part of the contents, he spoke of them in conciliatory phrases, assuring Motley of the Government's desire for cordial relations. Early in November Gladstone made a speech at the Lord Mayor's dinner which was regarded as pointing to concessions upon the *Alabama* question. Privately Clarendon was discouraged, writing Lord John Russell that he thought they were further from a settlement than ever, and Lady Salisbury that he feared a heap of trouble was coming. On November 6 he sent Thornton a perfectly reasonable letter to show to Fish. After summarizing Fish's note, without con-

⁵¹ C. M. Fuess, *Caleb Cushing*, II, 318.

troverting its arguments, he expressed regret that it laid down no concrete suggestions for a settlement. The British Government, he went on, earnestly desired to clear away all differences; it would heartily co-operate with the American Government in formulating new principles of maritime law to prevent the recurrence of such difficulties; and it was anxious to hasten an agreement. But it was obvious that Great Britain could not "make any new proposition or run the risk of another unsuccessful negotiation" until Mr. Fish had given fuller information upon the basis for action which the United States would be disposed to accept.

This brought the question back to the great American Sphinx, the Senate. It had devoured the first proposal for a settlement, shaped at nearly every point by Secretary Seward himself. How could Clarendon let himself in for another until he knew the Sphinx's mind? Fish did not know it. When Thornton asked him to suggest terms, he made only the same general response as before. "I tell him," he wrote in his diary,⁵² "that I cannot venture on the presentation of any plan of settlement until I can consult Senators to know if it can pass that body. He wishes my private, personal opinion as to a plan. I state subject to revision and modification, as my mere private opinion, that if Great Britain will pay either a gross sum in satisfaction of the claims, or will leave [it] to a Commission to assess the damages, and will enter an agreement settling the law of maritime neutrality, etc., and will say, what has not yet been said, some kind words with reference to the past, I think the matter may be settled."

Thornton inquired if the Secretary meant arbitration. Not at all, said Fish; he meant the appointment of a Joint Commission to fix the damages. The Minister thought that his government would not agree to this, for they could not admit that they had done wrong without the verdict of some impartial nation upon that question. "But your public men have admitted it," said Fish. Thornton dissented, saying that most members of Parliament upheld the British policy during the Civil War. Before the Minister left, Fish mentioned some of the changes in international law which he thought desirable. He would concede the right of a nation "generally" to issue a proclamation of neutrality when it deemed that the situation required one. But he asked for explicit new rules, rendering it illegal in time of war to arm a vessel at sea as the

⁵² Diary, November 15, 1869.

Alabama had been armed, or to change the nationality of a ship by sale or transfer on the high seas. The United States, he added, might be willing to outlaw privateering if Great Britain would assent to the doctrine that private property was exempt from capture at sea.

Fish would have preferred a bolder English readiness to offer new proposals. He was disappointed that London showed no inclination to act on his "private, personal" statement of reasonable terms. Yet at heart he knew that the chief difficulty lay in the Senate. The President also was a Sphinx. But as the diary shows, Grant might be open to reason:

November 26, 1869—Cabinet; all present. Read Clarendon's letter Nov. 6, 1869, to Thornton, on mine (No. 70), of Sept. 25. President said he heard there was some talk of sending out John Bright to negotiate the *Alabama* Claims. "He hoped not, for he feared he would settle them—he wished them kept open until Great Britain was ready to give up Canada." Boutwell says in that connection it was to be remembered that Great Britain had assumed liabilities for Canada, by guaranteeing them loans, railroad and other improvement bonds, etc., which in case of annexation she would expect, nor could not refuse to assume. If the *Alabama* were left unsettled until the question of annexation is treated of, Great Britain would expect the assumption by this Government and the release of liability on account of those claims, as part of the arrangement. Whereas if the *Alabama* Claims be now settled, we shall have the money and they cannot be thus off-set.

(The) President thought that holding the *Alabama* case open would make them the more anxious, or sooner ready to settle by the cession of Canada. [I say that] I do not think it will influence the question of Canada. Great Britain is quite willing to part with Canada when the latter requests it, but will not cede it, in any negotiations, as a satisfaction for any claim, nor until Canada herself unequivocally expresses her wish for separation. I mention that ten years ago in England, Lord Carlisle told me that his government would be glad to part with Canada, which was an expense and a source of weakness to her. Hoar interposes, saying that Mr. Thornton had told him the same thing. President: "If that be so, I would be willing to settle at once." And such seemed to be the impression of every member of the Cabinet, so far as I could judge from nods of assent, or slight expressions of concurrence.

Until Great Britain went further, the only course was to wait. A diplomatic intermission, destined to last for more than a year, had begun. Meanwhile, a deeper uneasiness prevailed among British leaders than they felt it politic to admit.

DURING July, 1869, Fish's hopes that he might bring about Cuban independence by mediation remained high; early in August they sank. Paul Forbes, carried away by his enthusiasm and General Prim's rhetoric, at first misled the Secretary by too-optimistic reports. We have quoted his telegram of July 16 announcing that not only Cuba but Puerto Rico could be freed for from \$100,000,000 to \$150,000,000, guaranteed by the United States. Fish cabled for details. On July 20th came another telegram:—"Spain accepts mediation. Prim asks 150 millions for Cuba and Porto Rico; U. S. guarantee payment. U. S. arrange details with Cuba to guard Spanish honor. Between 100 and 150 millions with settle all. Prim wishes to negotiate himself alone through me only. Wait instruction to close." An explanatory letter, dated the same day, followed. Forbes wrote: ¹

This morning I consulted with General Prim. He is firm as to the 150 millions and said emphatically: We can only give up Cuba to relieve our finances, and without that is accomplished we will never do it.

To this I replied, General, you are not forced to accept any offer which may come; but I suggested a figure which would not discourage the other side, and which I thought might prove acceptable to Spain.

Mr. Sickles (has) not yet arrived. He seems unable to move quickly, but meanwhile Cuba bleeds, and our own bold and adventuresome countrymen bite the dust in murderous conflict, or yield their last sigh to the less noble yet not less fatal struggle with the vomito.

If diplomacy is slow humanity will not wait, the magnetic wires will do their duty, annihilating time and space—and those who tarry must find when too late that they come only to reap barren honors and harvest garnered fields.

I find on inquiry that Spain received £5,000,000, Five Millions of Pounds Sterling, after paying its army of 25,000 men, Diplomatic Exps. in America, and a large part of the Royal Budget and enriching its officeholders—the net revenue was about five millions of dollars. Then it has to give up its monopoly of manufacturing and agricultural products (Wine and Flour), all which it is difficult to reconcile her people to—and only the relief of her national finances can justify her.

¹ Fish Papers.

This was gratifying. If Forbes knew what he was cabling about, a quick and peaceful solution seemed in sight. Fish, then at Garrison, directed Bancroft Davis to have the negotiation closed.² "Telegraph Forbes to know if Sickles is in Madrid. Say that all that is necessary there is acceptance by Spain of the good offices of the United States, agreement to armistice, and appointment of plenipotentiary by Spain to meet one from Cuba in Washington to arrange details." Sickles had no sooner arrived than cables poured in upon him.³ He was ordered to see Forbes, to see Prim, to say that Spain should simply decide yes or no, leaving details to Minister Roberts in Washington; to urge the importance of time. "Hasten it," cabled Fish, back in Washington on July 29th. "Spanish authorities are impotent for protection of the lives of our citizens. Cuba and Porto Rico should not be connected in the submission of negotiations."

Then, as Sickles took charge, the chilling truth about the situation began to emerge. His first important dispatch showed that the Spanish authorities had actually come to no decision whatever—that all was still in suspense: ⁴

Communicated to Prim, informally, basis of Convention. He pressing me to say how much Cuba and Porto Rico would give, I said I had no instructions and suggested, thought hundred and twenty-five millions as probable. Prim said Spain might arrange preliminaries with United States and concede autonomy of Cuba and Porto Rico with satisfactory equivalent as soon as hostilities ceased. He promised to bring the whole subject before the Council tonight.

Fish had shown uneasiness as early as July 24. "Forbes crying for 'powers' to treat, etc., is not encouraging of success," he wrote Davis. "Prim at least must know that there can be no negotiations between them. All that can be done in Madrid is to accept or decline our offer to negotiate on the proposed basis. If accepted they must empower Roberts or someone else to negotiate with Cuba under the mediation of the United States in Washington." He was right. First there were excuses; twice the Minister for Foreign Affairs, Manuel Silvela, said he had been prevented from replying by sudden illnesses, which Davis

² July 23, 1869; Letterbooks.

³ Davis to Sickles, July 28, Fish to Sickles, July 29; State Department MSS, Diplomatic Drafts, Spain.

⁴ Sickles to Fish, August 1, 1869; Fish Papers.

called "English bellyaches."⁵ Then even excuses ceased. Reports of what was afoot had leaked out; and it became evident that Spanish opinion had asserted itself vigorously against any relinquishment of the island. Powerful commercial and exporting interests were opposed, the officeholding class insisted upon retaining its rich colonial preserve, and loud appeals were made to *pundonor*. Clouds had suddenly obscured the sky.

I

John Hay, who studied affairs and manners in Spain during these very years, wrote in *Castilian Days* that the "arrogant self-esteem" at the bottom of Spanish character was compatible with the grossest dishonesty. The administration was "the most corrupt in the world"; the "lack of principle in the higher walks of government" had no parallel in other lands; it was "the morality of Loyola improved by Machiavel." Hay would have admitted a few years later that Americans in the glass house of the Grant Administration could not toss stones even at Spain. Nevertheless, a peculiarly shameless greed did characterize Spanish misgovernment in Cuba; the reluctance of Spaniards to give up the island sprang chiefly from the unblushing voracity with which they had always exploited it.

On his visit to Cuba Fish had been impressed by this rapacity and the stratification of classes which contributed to it. The island had at least a million and a half of people. The census was notoriously inaccurate, but even in 1859 Dana found that the best opinion placed the slaves at 650,000, the free blacks at 200,000, and the whites at 700,000.⁶ Roughly a third of the population were slaves of the most degraded kind, and another third Creoles or native white Cubans, in the lowest stages of poverty. A growing body of Chinese coolies furnished contract labor on the level of virtual slavery. The happiest element were the Peninsulares or Spaniards, a proud and privileged upper class. They comprised the army and navy, government officials, teachers, judiciary, the upper clergy, police officers, most of the well-to-do merchants, bankers, shopkeepers, mechanics, and the great estate-owners.

⁵ Sickles to Fish, August 7, 1869; Fish Papers. Fish wrote Elihu Washburne on July 26, 1869: "If Spain be wise, she will accept the proposition to mediate, and get rid of a colony that she cannot hold in peace, and which will be a costly possession in various ways. But will she be wise?" Washburne Papers.

⁶ R. H. Dana, Jr., *To Cuba and Back*, ch. 23.

The military and administrative corps was drawn from all parts of Spain, but a majority of merchants, shopkeepers, and mechanics were Catalan. These Peninsulares, nearly all foes of independence and haters of the United States, were the leeches who sucked the lifeblood from Cuba. They were the power behind the Captain-General's throne; they controlled the other civil officers, chiefly adventurers who came out to make fortunes, knew nothing of the island, and depended upon them for advice. This ruling oligarchy filled the press with insults to the "Yankees"; they insisted that the revolt be wiped out at all costs; they even dictated the military policy. They furnished the Volunteers, who had done effective work in preventing the spread of the revolt to western Cuba.

Three ruling groups in Cuba had a considerable influence in Madrid.⁷ First, of course, the bureaucracy, the most selfish and exacting this side of Russia, so corrupt that few officers resisted a bribe; all of it, from the Captain-General with his two palaces, his glittering fountains, his liveried servants, his brilliant banquets, to the lowest place-hunter, battenning on Cuban poverty. With it were allied the military officers. Second, a set of greedy contractors, who had a mercenary interest in prolonging the war. Third, the great slaveholders, some 1500 in number, of whom hardly a tenth were solvent, but who owned the best land and had mercantile and banking connections in Spain. Havana, Santiago, and other cities boasted a Casino Espagnol, headquarters for these contracting, slaveholding, and bureaucratic interests, which ruled the locality with scant regard for the Spanish Government. The Volunteers, policing the large towns in the interests of Casino Espagnol, were equally headstrong. At different times and places they carried on a veritable gangsters' war, made profitable by looting and confiscation. In short, the Peninsulares, their very existence dependent upon an enslaved Cuba, were exerting every ounce of strength in Madrid, where they had strong allies, against a sale.

Prim, an opportunist always, was at the moment searching for a monarch to rule over Spain. The Constituent Cortes had voted, after long debates, against a republic; Marshal Serrano had been elected

⁷ I have levied heavily upon consular and other reports to Fish, pamphlets published by the Junta, American and British press reports, and such books as Gallenga's *Pearl of the Antilles* (1873); Enrique Piñeyro's *Morales Lemus* (1871); and J. I. Rodríguez's *Estudio histórico sobre . . . la idea de la anexión de la isla de Cuba á los Estados Unidos de América* (1900).

Regent on June 18, 1869. The vacant throne, which within a year was to lead to war between France and Prussia, was declined by several men. Meanwhile, the Republicans showed restiveness. It was natural for the General to play for time in Cuban affairs. It would be unfortunate, to say the least, if the installation of a new monarch coincided with a meek abandonment of Cuba by Spain; for any government which seemed to yield to Washington would lose heavily in prestige and power, and might even fall. It is possible that Prim's whole policy from his first interview with Forbes was simply to gain time from the United States, and that he never intended to try to effect the sale. It is more probable that he hoped to place a strong monarch on the throne, and then push the sale through.

What is certain is that Fish read Sickles' dispatches with mounting discouragement. He wrote Rockwood Hoar on August 3: ⁸ "The negotiation at Madrid, I fear, will not result in a settlement." Two days later he informed Bancroft Davis: ⁹ "The Madrid business is not promising. Forbes' letters seem to indicate a design on the part of Prim. We shall have to adopt a different policy, but it is well that the government has thus far gone on the course it has pursued." Davis thought the same day that "the game is up." On the 10th, thanking Minister Thornton for information about the growing disorder in Cuba, Fish wrote ¹⁰ that Spain could assuredly never regain control of the island. He struck a threatening chord. "No definite answer has been received to our proposition; it is entertained, possibly for delay, perhaps through courtesy, and while they thus hesitate over 'the inevitable' each day diminishes the value of what it is proposed to pay them for 'quit-claiming.' We cannot much longer keep up the same vigilance which we have observed to maintain a strict neutrality. National pride is quite right; but when it becomes blind obstinacy, or cruel perverseness, it ceased to command respect. And Spain is carrying hers to the point where it involves other nations in embarrassments which will require a different line of action from that which has been hitherto observed."

II

While the news was worst, Grant left Long Branch and began a new round of travel, the first item of which was a visit to Fish at Garrison.

⁸ Fish Papers.

⁹ *Ibid.*

¹⁰ *Ibid.*

He arrived by boat on August 5.¹¹ Fish, telling him of the Spanish delays, found him fuller than ever of the idea of recognizing Cuban belligerency. The influence of Rawlins, doubtless supported by Horace Porter and Orville E. Babcock, had steadily increased. Moreover, Grant knew that recognition would be popular with the press, with Congress, and with Northern voters. Talking with Sumner in June, he had expressed confidence that the Cubans would succeed, and asked whether it would not be wise to issue a proclamation upon Cuba identical with that which Spain had issued with regard to the Confederacy. Sumner had advised against it. But he, Rockwood Hoar, and Fish had all exhausted their arguments without making much impression. In mid-July Grant had gone so far, under pressure from Rawlins, as to draw up a proclamation and sign it, so that if some emergency occurred, Fish could countersign and issue it immediately. Now he was meditating its issuance anyway.

At this moment the affair of the Spanish gunboats suddenly came to a head. Spain, anxious to strengthen her patrol in Cuban waters, had contracted for thirty American-built gunboats. Fifteen were under construction in New York, fifteen at Mystic, Conn.; the machinery was all being built at Delamater's shipyard. They were tiny craft, costing only \$50,000 each, with low bulwarks, light draught, and one pivot-gun apiece. By this date some were within six or seven weeks of completion. Of course Spain had every right to purchase these ships so long as Cuban belligerency remained unrecognized. But early in the summer American opinion reacted sharply against permitting delivery of the boats. Already Spain had a powerful fleet based upon Cuba—by the end of 1869 about fifty vessels of 400 guns, including the ironclads *Victoria* and *Saragoza*. If war came, American sailors might be killed by American-built vessels. President Grant was anxious to hold the gunboats. What could be done? On July 1 Peru cut the Gordian knot. She was nominally at war with Spain, she sympathized warmly with the Cubans, and her Minister in Washington lodged an energetic protest, pointing out that even if these particular warships were not used against Peru, they would release other Spanish vessels for use.

The American Government had no choice but to comply with Peru's request for action. Indeed, Spain had set a precedent by a similar demand a year earlier, when she insisted that two monitors built for Peru

¹¹ N. Y. *Tribune*, *Times*, August 6, 1869.

be detained until guarantees were given that they would not be employed against her. On August 4, Marshal Barlow and a posse of deputies marched out on Delamater's wharf at the foot of Thirteenth Street, their revolver butts gleaming in the sun, flourished a paper, and took possession of the vessels and machinery.¹²

But Fish saw in this detention a good argument for delaying recognition of Cuban belligerency. He pointed out to Grant that Spanish resentment would very likely push Madrid into steps which would furnish a far stronger basis for recognition. He embodied the same argument in a note to Attorney-General Hoar upon the gunboats: ¹³

I have no doubt their arrest will afford Spain the occasion to assert the rights of a belligerent under the provisions of the treaty of 1795. But she could do so if inclined, without their arrest, in virtue of her unfinished war with Peru.

The Governor-General's order contemplated the exercise of belligerent rights in the public waters near to Cuba. We remonstrated and asked if Spain was at war with Cuba. Peru now claims to be at war with Spain; both countries are remote. If Spain attempts to enforce the right of visit, etc., in the seas near to Cuba, she localizes the belligerency, so close to our shores that the necessities of our commerce may oblige us to recognize belligerency nearer than Peru. This consideration should restrain her; if it does not, we may be justified in case either state policy or the sympathies of our people compel a recognition of the belligerency of Cuba. . . .

I have seen the difficulties. We wish (1) to prevent the vessels getting out; (2) to postpone a recognition of the Cuban belligerents as insurgents. We do nothing, and leave it to Spain to furnish a provocation, a justification of the second when it shall become inevitable.

There was much force in this. The arrest of the gunboats proved highly exasperating to the Spanish Government. Prim was deeply irritated. Other leaders in Madrid declared that the war with Peru was only a technical state of war, an unhappy legacy from the overthrown

¹² N. Y. *Herald, Sun*, August 5, 6, 1869. Fish had written Bancroft Davis from Garrison on August 1: "If you see Mr. Field, Assistant Attorney-General, you may find he is a little 'ultra-conservative' in the matter of libelling vessels under the neutrality laws (so says Judge Hoar) but tell him the President is very solicitous that no vessel be allowed to get out. I shall see Pierrepont and hurry him." He telegraphed again on the 3d: "Impress Field with importance of utmost promptness. The President is extremely anxious that there be no failure. Pierrepont will be in New York today ready to act at once. . . . Roberts will endeavor to hasten departure. Delay will defeat everything." Bancroft Davis Papers.

¹³ Garrison, August 3, 1869; Letterbooks. Fish added that Peru's action "enables us to do 'the inevitable' (is it not so) without doing what Great Britain is very anxious we should do. Time may force that upon us—it probably will—but we postpone it."

monarchy; that both Peru and the United States knew that nothing could induce Spain to fire another shot in it. The Peruvians were simply using it as a pretext to hamper Spain in quelling the Cuban revolt. Lopez Roberts, storming into the State Department, made a scene.¹⁴ "It is an act of hostility," he declaimed. "It is not fair." Bancroft Davis, however, made him admit that however ill-natured Peru might have been, the United States had acted with perfect propriety.

Fish employed still other arguments upon Grant. He pointed out once more that no adequate legal basis for recognition of the belligerency of the Cuban rebels yet existed. As he had privately written: ¹⁵ "They have no army . . . no courts, do not occupy a single town or hamlet, to say nothing of a seaport . . . carrying on a purely guerrilla warfare, burning estates and attacking convoys, etc. . . . There has been nothing that has amounted to 'war.' Belligerency is a fact. Great Britain or France might just as well have recognized belligerency for the Black Hawk War." He was not certain that the Cubans were not slowly developing a government and a disciplined army, while they might soon hold much of the island; but it was our duty to wait. And then, why disrupt the negotiations in Madrid until success or failure was clear? Sickles had but arrived, Forbes had but fairly launched upon his unofficial conversations. If belligerency were to be proclaimed, we should wait until mediation completely broke down, and if possible let Spain *force* us to the step—thus spiking the English argument of inconsistency.

Unconvinced and grumbling, Grant departed for New York and Pennsylvania. Fish had consistently implored Sickles to hurry, for he knew the sands were running out. Late in July he had sent off frantic cablegrams in the hope that he might have a strong counter-argument for Grant. Now, hearing that Sickles had an appointment with Prim on the 13th, he cabled him: ¹⁶ "You cannot be too soon in acting." It was true.

In New York Grant read additional news from Spain and Cuba which displeased him, while he may have heard from Rawlins or fallen in with other advocates of intervention. Doubtless the rejoicings of the

¹⁴ Davis to Fish, August 2, 1869. Fish Papers.

¹⁵ Adams, *Lee at Appomattox*, 118. See also Callahan, *Cuba and International Relations*.

¹⁶ Fish to Sickles via Davis, August 13, 1869; State Department MSS, Diplomatic Drafts, Spain.

Sun, Herald, and Tribune over the arrest of the gunboats struck a responsive chord. At any rate, a week after leaving Glenclyffe he wrote from Kane, Pa., August 14, ordering Fish to cross the Rubicon: ¹⁷

On reflection I think it advisable to complete the neutrality proclamation which I signed before leaving Washington, and to issue it if General Sickles has not received an entirely satisfactory reply to his proposition to mediate between Spain and the Cubans. In fact, I am not clearly satisfied that we would not be justified in intimating to Spain that we look with some alarm upon her proposition to send 20,000 more troops to Cuba to put down, as Americans believe, the right of self-government on this continent. Not that Spain has not a perfect right to prosecute as vigorous a war as she pleases, upon her own soil, observing the rules of civilized warfare; but that the rights of our citizens have been so wantonly invaded by Spanish troops, or Volunteers, that such a course would arouse the sympathies of our citizens in favor of the Cubans to such a degree as to require all our vigilance to prevent them from giving material aid. The question might well be asked whether Spain would not be weaker with 20,000 more troops in Cuba and also, by us, whether we would be justified by our own people to let them do so without at least putting the Cubans on the same footing with their adversaries first. Except the issuing of the proclamation, I do not give this as instructions, but as something to think of whether it is not sound. If deemed so the policy of acting upon it will be discussed afterwards.

I will be in New York City on Thursday next on my way to Newport. Will be at Mr. Corbin's a few hours before sailing.

III

But the Rubicon was not crossed.

As fate would have it, this letter reached Glenclyffe the same day that at last an encouraging message arrived from Sickles. Pushing Forbes aside, the doughty general had taken full charge of negotiations. He had finally forced a decision from Prim as President of the Council.¹⁸ The good offices of the United States were accepted. "Prim," cabled the Minister, "suggests informally for your information four cardinal propositions that will be acceptable if offered by the United States as the basis for a Convention." First, the insurgents were to lay down their arms. Second, Spain was simultaneously to grant a full and complete amnesty. Third, the people of Cuba were to vote by universal suffrage upon the question of their independence. Lastly, if a majority declared for independence, Spain, the Cortes consenting,

¹⁷ Fish Papers.

¹⁸ Sickles to Fish, August 15, 16, 1869; Fish Papers.

would grant it upon condition that Cuba pay a satisfactory equivalent guaranteed by the United States, as soon as the preliminaries were settled. Prim made no estimate of the amount to be demanded, while he also avoided the abolition of slavery. It was an inadequate offer, but it gave Fish the opportunity to pursue two lines of policy.

The first was to pigeonhole President Grant's proclamation. For this there was a certain warrant in Grant's letter. He had said that the document was to be issued "if General Sickles has not received an entirely satisfactory reply." The reply was unsatisfactory, but might be improved. Fish felt justified in laying the proclamation aside. Bancroft Davis had brought it north for Fish's signature, but the Secretary directed him to replace it in the safe in Washington, until further orders, *without affixing the Great Seal*.

The second line of policy was to press the Spanish Government for a better offer. Fish knew that he could never induce the Cubans to put their heads in the lion's mouth by giving up their arms, and then waiting for the enemy to arrange a plebiscite under conditions satisfactory to themselves. Prim's terms, obviously intended to placate the wounded pride of the Spanish people, showed too little regard for the Cuban position. The Secretary cabled Sickles forthwith: ¹⁹

Urge acceptance on basis proposed by the United States.

First proposition of Spain that insurgents lay down arms is incapable of attainment as a preliminary. The third to ascertain the will of the Cubans by a vote is impracticable, because of the disorganization of society and the terrorism that prevails, and the violence and insubordination of the Volunteers. There can be no question as to the will of the majority; it has been recognized and admitted.

An Armistice should immediately be agreed upon to arrest the carnage and destruction of property, and opportunity be granted to communicate with the insurgents, and emancipation of slaves be determined.

Having sent this message, Fish met Grant in New York on the afternoon of August 19, and begged for more time. He now had irresistible arguments, and the President consented. At the same time Fish kept in close communication with the Cuban leaders, especially Ruiz, telling them frankly that he was striving for a fair settlement. Some members of the Junta, led by Macias, were against a purchase, and he wrote

¹⁹ August 16, 1869; State Department MSS, Diplomatic Drafts, Spain.

Ruiz pleadingly: ²⁰ "I hope there will be no change of views or of plans. The last day or two encourages me to hope more than once I did. Let me know freely and frankly if there should be any doubt or hesitancy on the part of your friends." Lemus, whose home was in Brooklyn, called on him repeatedly. Most of the Junta felt that Cuban independence would be merely a preliminary to annexation by the United States. In fact, Lemus had specifically assured the Secretary that he was authorized by the Cuban Congress to propose immediate annexation,²¹ and that his government would act as soon as the time was ripe—that is, as soon as the acknowledged sovereignty of the Cuban people enabled them to make a treaty. But Fish said nothing to encourage such designs, for he was utterly opposed to annexation.

President Grant had now gone on to Newport. From there Horace Porter sent back word ²² that "the President's views in regard to Cuba coincide exactly with your own"—a comforting assurance. The danger of an impulsive recognition of belligerency was for the moment averted. But it quickly became clear that negotiations with Spain had reached a new impasse. The Spanish Government, zealous for the nation's ancient pride and unwilling to yield to Cespedes, insisted that the Cubans lay down their arms—that is, surrender—and accept independence as a gift. The Cubans insisted that Spain agree to an armistice and acknowledge their independence as a right. On August 21 Sickles cabled that General Prim flatly declined to grant an armistice.²³

Spain was ready, said Prim, to give the Cubans their independence; they could have it without firing a shot. But they must take it peaceably and thankfully, not try to exact it at the point of their bayonets. He now suggested six steps: an agreement between Spain and the United States; action by the United States to induce the Cubans to accept this agreement; cessation of hostilities, the insurgents laying down their arms and disbanding, followed by amnesty; the election of Cuban deputies to the Cortes; action by the Cortes; and finally, a plebiscite and independence. This was preposterous. The same day Lemus told Bancroft Davis in Washington that the Cubans would

²⁰ Fish to Ruiz, August 19, 1869; Fish Papers. Cf. Fish's Diary and Letterbooks, August 15–22, 1869.

²¹ Lemus to Fish, August 12, 1869; Fish Papers.

²² Porter to Fish, August 20, 1869; Fish Papers.

²³ Sickles to Fish, August 21, 1869; Fish Papers. House ec. Doc., 41st Cong., 2d. sess., No. 160.

never consent to substitute a surrender for an armistice.²⁴ How could they? Neither he nor the other Cubans trusted the new régime in Madrid, while they utterly distrusted the savage Volunteers in Cuba. They feared that Spain would take advantage of the disbanding of the Cuban troops to harvest the crops, entrench the Spanish forces at strategic points, and sway the plebiscite to suit their own purposes. The insurgents preferred war; they were laying plans to open hostilities on a grand scale in the western half of the island, and to foment an uprising in Havana itself. They were too full of confidence in their arms to make any dangerous concessions.

This deadlock was saddening, and it was too hot in Washington for patience. "The fires of Tartarus have broken loose here," wailed Davis,²⁵ "and to add to one's miseries comes the daily use of Hunter's cypher, with the thermometer in your room—the coolest place in the building—at 94. Since this invention from Hunter's brain the powers of Purgatory may rejoice over a new torment, and I sincerely hope for his sake that he has few sins to expiate. If I might suggest a reply to Sickles it would be that the absolute independence of Cuba and an armistice pending settlement of details are indispensable terms, and that unless they are conceded the negotiations must cease; to which he is to ask for a categorical answer. This would enable you to postpone action till the Cabinet meet, and to have a good foundation laid for it then." Davis' mother was desperately ill in Massachusetts, and his wife was at her bedside. Yet he stuck to his broiling post with fortitude. He was eager to help Fish achieve the one indispensable object—delay in Grant's action.

It was obvious to Fish that Spain, forgetting her punctilios, must make the essential concession, for the Cubans could grant nothing more. Indeed, the Macias group offered strong arguments against the whole purchase scheme.²⁶ In their opinion Cuba belonged to the Cubans, and it was outrageous to ask the poverty-stricken people to pay another penny to the nation which had so long oppressed them. Fish therefore instructed Sickles to besiege the Spanish leader once more.²⁷ He was to say that Prim's six points were "incompatible with any practicable negotiations"; that the United States could not ask the insurgents to lay down their arms unless the Volunteers were simul-

²⁴ Davis to Fish, August 22, 1869; Fish Papers.

²⁶ N. Y. *Evening Post*, August 20, 1869, has an article presenting these objections.

²⁷ Fish to Davis, August 23, 1869; Fish Papers.

²⁵ *Ibid.*

taneously disarmed and disbanded; and that "we deem an armistice indispensable to the success of any negotiation." Spain could honorably grant this at the request of the United States, and negotiations could then be opened for peace and a fair compensation. He added: "Request an early and decisive answer."

IV

This urgent message to Sickles was dispatched August 24. A week passed without answer.

Meanwhile, the press blazed with new atrocities in Cuba. By riotous mob action in Havana the ruling oligarchy had forced the departure of the too-conciliatory Captain-General Dulce, and had taken steps to control his harsh successor Caballero de Rodas. American correspondents reported that the Volunteers, angered by Fish's protest against the bloody proclamations of Count Valmaseda, had resolved to execute all prisoners *secretly*. A veritable massacre of men held for trial had just taken place near Santiago. Other groups were daily being shot as "highwaymen" or enemies "trying to escape." The Spanish Minister's steps to procure the release of the gunboats were exciting irritation. The interventionist press was attacking Prim as a double-dealer and Fish as his dupe. Dana wrote in the *Sun* for August 30th that it was America's duty "at once to interfere in Cuba" and stop the ferocious cruelties of the Spaniards. "But this is a duty which we cannot hope to see performed by an Administration so barren of great ideas, and so deficient in character."

The upshot was a new and sharper crisis—a crisis which saw Fish and Rawlins facing each other tensely across the Cabinet table, the Secretary of War shouting arguments and denunciations.²⁸

The time was August 31, from noon to four p. m.; the place the White House; the actors in the scene Grant, Fish, Rawlins, Cox, Creswell, Robeson, Assistant-Secretary Richardson of the Treasury Department, and Assistant Attorney-General Field. It was the first Cabinet meeting held since July. Rawlins had come back earlier that month from Danbury, Conn., where his wife was expecting a child, and had immediately suffered a severe hemorrhage of the lungs. Now he rose

²⁸ Diary, August 31, September 1, 1869; N. Y. *Tribune*, August 27, N. Y. *Herald*, *Sun*, September 1–10, 1869, contain much material upon Rawlins' last days. Cf. J. H. Wilson, *Rawlins*, 360 ff.

from his deathbed to plead the cause of Cuba. Grant and Fish, with Horace Porter, had arrived from New York that morning, the President breakfasting at Fish's house. The session no sooner opened than Rawlins, trembling with weakness and emotion, attacked Fish violently for letting Prim hoodwink him, and demanded that America act at once.

It was a long, able, and impassioned argument for recognition of Cuban belligerency that he poured forth, and at its close he sank back exhausted. He apologized to Grant for his vehemence, saying, "I have been your adjutant, and I think you will excuse me for being earnest." Grant replied: "Certainly, and you are still my adjutant." Fish, sadly missing Rockwood Hoar's support, answered Rawlins earnestly. While the discussion continued the President was observed writing, and at its conclusion he pushed the paper toward Fish, saying, "There is my decision." The paper, a bit of Executive Mansion stationery still preserved among Fish's manuscripts, contained a memorandum of terms upon which Grant wished to act:

The United States are willing to mediate between Spain and Cuba, in following terms: Immediate armistice. Cuba to recompense Spain for public property, etc. All Spaniards to be protected in their persons and property if they wish to remain on the island, or to withdraw with it, at their option. The United States not to guarantee except with the approval of Congress. These conditions to be accepted by Sept. 25 (or Oct. 1), or the United States to be regarded as having withdrawn all offer to mediate. As time progresses devastation depreciates value of property and consequently of the sum that can or will be guaranteed.

Next day Fish cabled these proposals almost verbatim to Sickles for presentation to the Spanish Government. He added:²⁹ "To prevent difficulties as well as to stop bloodshed and devastation, we must have early decision. This offer withdrawn unless accepted before October 1. Say that anarchy prevails over much of Island. Murders of American citizens are committed by Volunteers. Confiscation of their property attempted by Spanish authorities." Thus pressed, Sickles on September 3 sent the Spanish Government a long note emphasizing the time-limit and urging an armistice. "The United States," he wrote, "cannot ask the insurgents to lay down their arms unless the Volunteers are simultaneously and effectively disarmed and in good faith disbanded."

²⁹ Fish to Sickles, September 1, 1869; State Department MSS, Diplomatic Drafts, Spain.

It was thus almost an ultimatum which was given Spain. The implication of the time-limit was that she must accept mediation within the month, or the United States would recognize Cuban belligerency. But the note, scrupulously polite in its terms, contained no explicit threat whatever. It pointed to the numerous precedents in modern history for the liberation of colonies by a mother-country without injury to *amour propre*. And it repeated that the United States was in no wise desirous of acquiring Cuba—that its proposals were quite disinterested.

Essentially, Fish had triumphed in his duel with Rawlins. The Secretary of War had demanded a proclamation of neutrality at once; the Secretary of State had held Grant to the simple arrangement that a proclamation would be *considered* on October 1. When that date came Fish might find new arguments for delay. He told Thornton frankly³⁰ of what had been done, saying that he believed public sentiment would force the United States to issue its proclamation, but “not immediately.” The press published numerous reports that the Administration was about to act, and to these Fish did not object; they would be useful if they frightened Spain a little. When the Spanish Minister called on September 4 to ask if the reports were true, Fish did not deny the possibility that steps might shortly be taken. But he had gained more time—and that was the all-important fact.

Thornton reported to his government that all was uncertainty.³¹ Work on the Spanish gunboats had proceeded even after their detention by Marshal Barlow, and the first was almost ready for departure. Grant had told the Cabinet, according to gossip, that he knew no legal way of preventing the gunboats from leaving American waters, if the Spanish Minister took the proper steps to free them, save by recognizing the insurgents as belligerents. “There are some,” wrote Thornton, “who think that the pride of the Spaniards would prevent them from patiently submitting to such a recognition, and that they would rather declare war against the United States, trusting to the support they might receive from France and England, and to the mischief they might at once inflict upon American shipping by privateers, since neither of the two Powers has subscribed to the Treaty of Paris. Mr. Sumner expresses the greatest indignation at the step which the Government is said to be on the eve of taking, declaring that if its

³⁰ PRO, FO 5, 1162, Thornton to Clarendon.

³¹ PRO, FO 5, 1162, Thornton to Clarendon.

adoption should be deferred to the meeting of Congress, he would guarantee that the Senate at least would make a decided protest against it, in consideration of how far it would go to weaken his late arguments against England."

Indeed, while Fish waited for news from Madrid, Washington and New York buzzed with gossip on the subject. The Spanish decision was delayed, for at the moment Sickles presented his note of September 3 to the government the principal Ministers were unluckily absent. Prim and Foreign Minister Silvela had gone to Vichy for the waters—and to see Napoleon III. Correspondents hungrily watched for news in Madrid and prowled about the State Department. They pounced upon the fact that Domingo Ruiz had an hour's talk with Fish; they speculated upon every call by Lopez Roberts. Word on September 3 that the government of Peru had recognized the independence of Cuba brought jubilant editorials from the pro-Cuban press. Every true American, said the *Herald*, wanted Grant to take the same step; "Why, then, this delay?" Financial speculators were interested. Early in the month two gold brokers called on Bancroft Davis' brother in New York. They told him that they had learned that Davis held a proclamation in custody, but were uncertain whether it recognized Cuban independence or merely belligerency. A great deal of money could be made by operating on accurate information. If he would go to Washington and ascertain the facts, they would gain more for him in one day than he could earn in a life-time! This episode worried both Davis and Fish because it indicated that there was a dangerous leak, a traitor, in the State Department.³² Various outsiders knew about the proclamation, but only a few insiders knew that it was in Davis' possession. Not until later did Fish reflect that the leak might be in the White House—that Grant might have told one of his secretaries.

The situation was critical. But on September 5 it was simplified by Rawlins' death. The Secretary's malady had taken a sharp turn for the worse on the 3rd. Fish wrote George Bancroft next day: "Poor Rawlins at this moment is very ill. I fear that his disease (consumption) has the *entire* mastery of him, and that he has not long to labor. He is a generous, high-spirited, and right-minded (impulsive) man, instinctively right in the direction of his impulses, even if occasionally extravagant." Grant, perpetually travelling, had gone north to Sara-

³² Bancroft Davis to Fish, New York, September 10, 1869; Fish Papers.

toga. He cut short his stay, cancelled a visit to Utica, and left on the evening of the 5th for Washington.

But he was too late. The 6th found Rawlins rapidly sinking, but conscious to the last. He knew that Grant was hastening to him, and longed above all to see him again. In his last hours, he spoke bitterly of his poverty. No one had dared tell him that the baby just born to his wife in Danbury was dead. When a military friend remarked, "General, will you allow the Army of the Tennessee to adopt your children and take care of your wife?" tears came into his eyes. At a few minutes past four the physician announced, "The soul of Grant's Cabinet is gone." Just an hour later there was a rattle of carriages in the street, uniforms filled the yard, and the President, tears streaming down his cheeks, hurried up the steps.

It was a sad event, and on the personal side Fish felt it as much as others. Rawlins, the youngest member of the Cabinet, was one of the most brilliant and in some ways the most lovable. Yet from the governmental point of view Fish had no regrets. Historians have erred in estimating the Secretary of War. Because his wartime services as chief-of-staff were inestimable, because he devotedly preserved his chief from bad associates and errors of personal conduct, it has been supposed that he was an equally astute counsellor in peace. Actually he was the most dangerous member of the original Cabinet, and his death, so frequently described as a disaster to Grant, was rather a blessing. He had often said that he hoped to see "the aegis of our power spread over this continent," had boasted of "the development of our great military character and resources," and had talked of freeing the Western Hemisphere from "the influence and dangers of monarchism." While he stayed at Grant's right hand the peril of war with England and Spain would remain great. In his last moments he had gasped out to Postmaster-General Creswell: "There is Cuba, poor, struggling Cuba. I want you to stand by the Cubans. Cuba must be free. Her tyrannical enemy must be crushed. Cuba must not only be free, but all her sister-islands." With good reason the Junta sent a special representative to his burial in the Congressional Cemetery.³³

³³ Rawlins' will disposed of a house in Washington (though as yet entirely unpaid for), a house in Guilford, Ill., and lands at Cheyenne and Golden City, Colorado. *N. Y. Tribune*, October 11, 1869. A special fund was raised for the family. Daniel Butterfield, acknowledging contributions of some \$43,000, added: "Also \$20,000 Cuban bonds from Mr. Lemus, President of the Cuban Junta." But these were not all the Cuban bonds in Rawlins' estate. *N. Y. Herald*, September 16, 1869.

With good reason the centenary of his birth in 1931, almost ignored in the United States, was enthusiastically celebrated in Cuba. But it was also with good reason that Fish felt relief over his death. An indication of the attitude of the State Department is afforded by a sentence which John Bigelow wrote to Bancroft Davis in reply to some expression by the latter:⁸⁴ "Rawlins' death was a national calamity, but if it saved us from a greater one we should not complain."

We have said that it simplified the situation; and this simplification came in the nick of time. By mid-September the wires from Madrid hummed with the most ominous news. Minister Sickles had presented his note at the Foreign Office; a garbled and exaggerated report of its contents had reached the press; and Spanish opinion had greeted it with savage denunciation.

⁸⁴ Bigelow to Davis, stamped "received October 15, 1869"; Bancroft Davis Papers, Vol. 4.

THERE were moments during this first summer when Fish felt the Secretaryship of State a nightmare. Even at Garrison he rose early to pore over papers and went to bed late. At times he was worked to exhaustion by the boiling Cuban situation; always he was worried by the British problem. Rawlins had seemed determined to drag the nation into war with Spain before Thanksgiving, Sumner equally resolved to make a settlement of the *Alabama* question impossible. Demands for patronage gave him no rest. Motley was by no means the only Minister who got out of control. In Brazil that explosive journalist J. Watson Webb worked up a violent quarrel with Dom Pedro's government. Breaking off relations was a habit with Webb; he had done it three times before without asking State Department permission, and now did it again! In China a flamboyant Californian, J. Ross Browne, was taking a high hand with the Peking Government, and displaying a fatal gift for letter-writing. On July 17, replying to British merchants in Shanghai, he laid down the principle that the Powers were not bound to respect the independence of "an ignorant pagan nation" like China!¹ Both Webb and Browne, holdovers from the Johnson Administration, were replaced forthwith. Extradition, emigration, postal conventions, Fenianism, fisheries, Mexican claims, Russian claims, and reciprocity crowded Fish's spare moments.

And to fill his cup to overflowing, before the summer ended there arose the portentous question of Santo Domingo, irresponsibly evoked from nowhere by President Grant.

I

Santo Domingo is an insignificant portion of the Western Hemisphere, and its twin republics, French-speaking Haiti and Spanish-speaking Santo Domingo, have never been important nations.² Yet

¹ Fish's Papers, June-August, 1869, contained much correspondence concerning these two Ministers.

² See Sumner Wells, *Naboth's Vineyard*, Vol. I; Melvin M. Knight, *The Americans in Santo Domingo*; J. H. Latane, *The United States in the Caribbean*; Otto Schoenrich, *Santo Domingo: A Country With a Future*; Dr. Mary Trendley, "The United States and Santo Domingo," *Journal of Race Development*, VII, 83 ff., 220 ff. A definitive history of American relations with Santo Domingo is under preparation by Dr. C. C. Tansill.

this little domain of mountain, jungle, and plantation was now to play a rôle of no slight importance in American history. It was the cause of Grant's first decisive defeat, and the most spectacular reverse of his Administration. It divided the Republican Party, and almost wrecked it. At the same time, happily, it became the decisive factor in averting all danger of war between America and Britain, and it did almost as much to avert war between America and Spain. Truly a momentous fate guided its destiny in these years.

The Dominican Republic was potentially a country of great wealth. With a population of not more than 150,000, it was capable of supporting several millions. It held minerals, timber, fruits, and the means of producing sugar and coffee in abundance. Comprising nearly two-thirds of the island, it sadly needed peaceful development, for it and Haiti had been the scene of age-old disorder and civil war. Since 1850 two politicians, Buenaventura Baez and Pedro Santana, had alternated in power, which each gained by violence and tried to hold by tyranny; while latterly a third, José Maria Cabral, had risen to prominence. Baez, the ablest, had been in control from 1849 to 1853, from 1856 to 1858, and in 1865-66; and after a brief period during which Cabral ruled as president, he returned to authority in 1868. Almost incessant civil war wasted the resources of the island, prostrated education, and cost tens of thousands of lives. In despair, Santana in 1861 had invited Spain to resume possession of Santo Domingo. The Bourbons unwisely accepted. A fierce rebellion ensued, which was given frenzied energy by Negroes who feared a return to slavery; and after years of savage fighting, with every species of atrocity, the Spanish forces in 1865 withdrew, leaving the island worse off than ever.³ On every hand, in this scene of languorous tropical beauty, were graves, ruins, poverty, degradation. The peace which Baez enforced in 1868 was the peace of exhaustion. Blue flames of discontent and disorder still danced over the wreckage, ready to blaze up whenever new fuel offered; and Cabral hovered on the Haitian border awaiting an opportunity to strike at his rival.

Such a derelict craft was sure to attract American eyes. Santo Domingo offered opportunities of a unique sort. All the other West Indian islands were in the hands of European powers. Not only was Santo Domingo independent and half empty. A great majority of its

³ *Annual Cyclopaedia*, 1865, 754, 755.

educated population of Spanish blood, and a large part of the Negroes, mulattoes, and Indians as well looked favorably upon an American protectorate or American annexation. As early as 1850 the question of annexation had been debated. Baez had then opposed it; but after the Spanish evacuation he and other Dominican leaders found reason to favor it. And inevitably, American adventurers perceived that fortunes might be made by those who brought the Dominican Republic under our flag. Mines of gold, silver, iron, copper, tin; plantations of coffee, tobacco, cotton, sugar; ranches of cattle; forests of mahogany, ebony, logwood; port and harbor facilities, railroads, mercantile enterprises—all these would offer rich opportunities. Those first to acquire lands, mines and waterfront, those first to organize steamship lines, banks, and railways, would fare best. There were millions in it.

There were also men who perceived that much could be made out of such an enterprise in Washington itself. A proconsulate in Santo Domingo would mean military forces in the island, a treasury, numerous civil and judicial jobs, and commercial perquisites. Politicians and lobbyists still licked their chops over the memory of Alaska. Few would have supposed that the purchase of this wild territory, in a remote corner of the continent, from a Power eager to sell it, could ever present openings for speculation or corruption. The State Department, Senate, and people were all in favor of the acquisition. Nothing had to be done but pay the price and take possession. But the money was not paid; the appropriation was mysteriously delayed in the House; and a cohort of lobbyists took the field. As the delay accomplished its purpose of worrying St. Petersburg, Russian gold appeared. Robert J. Walker received a handsome present from the Russian Minister—the *Nation* called it a bribe—to labor for the purchase. The secretary of the Senate virtuously refused a bribe, but his partner took it instead. The favorable report of the House Foreign Affairs Committee was largely paid for. In the end Americans asked themselves if any important supporter of the acquisition had not been rewarded with Russian money.⁴ And though Alaska contained so few people that it would have been necessary to enlist polar bears for juries, job-hungry politicians at once launched a movement for an elaborate Territorial Government.

Many Americans were ready to support the annexation of Santo

⁴ See the *Nation*, January 21, 1869, for a pungent review of the Alaskan purchase.

Domingo for patriotic or humanitarian motives. Its large key-sheltered roadstead, Samaná Bay, would make an admirable Caribbean base—and the Civil War had shown that we needed one. To extend American sovereignty, moreover, was presumably to extend the area of freedom and prosperity. The reformative instinct, always strong in American breasts, responded to the spectacle of Dominican misery. Godkin cynically remarked ⁵ that the only remedies for the chronic civil war were a longer experience of its calamities or a more ruthless dictator; the Dominicans had a revolution every few years for the same reason that New York toughs passed their evenings in drinking instead of attending lyceum lectures, and spent their money instead of putting it in a savings-bank—because they enjoyed it. But there was actually something to be said for acquiring Santo Domingo to strengthen the American navy and the Monroe Doctrine, and as a measure of political sanitation—the extirpation of a notorious pesthole of revolution.

II

Among those most eager in 1869 to promote the acquisition of Santo Domingo were two Yankee rovers and speculators, William L. Cazneau and Joseph Warren Fabens.⁶ Both were natives of Massachusetts. Both had been in Texas just before its annexation and had seen the handsome fortunes made there by land-speculators. Cazneau first figured in our diplomatic history in 1854, when Secretary Marcy sent him to Santo Domingo as special agent to make a reconnaissance, and he returned with a report in favor of a commercial treaty. He was then sent back to negotiate this agreement, while Captain George B. McClellan accompanied him to inspect Samaná Bay as a possible coaling-station. The treaty Cazneau concluded was loaded by the Dominican Senate with such amendments that the United States finally refused to accept it. But Cazneau was delighted with the island, purchased a plantation near Santo Domingo City, and corresponded with Marcy and others. His capable wife Jane, who had come from Troy, N. Y., wrote Fish on May 10, 1854, urging annexation. The American public, however, heard

⁵ *Nation*, January 21, 28, 1869.

⁶ A collection of Fabens' papers is in private possession. For an opportunity to inspect transcripts of some of the most important the author is indebted to Mr. Graham C. Lovejoy.

little of Cazneau until 1866.⁷ Early that year Seward, partly to recuperate from the attack upon him at the time of Lincoln's assassination, and partly to inquire into the merits of St. Thomas and Samaná Bay as naval bases, visited Santo Domingo with his son Frederick. Cazneau carried them off to his house and virtually monopolized them. When on January 30, 1866, President Johnson suggested formal recognition of the new Baez Government in Santo Domingo, he also nominated Cazneau as American Commissioner and Consul-General; but the Senate refused to confirm him. The principal reason for this refusal lay in letters from Davis Hatch, a Connecticut man with a salt concession in the islands, calling attention to Cazneau's record as an unscrupulous adventurer and a Confederate sympathizer. Baez was overthrown in May, 1866. But Cazneau became intimate with the new dictator Cabral, and continued his unwearied machinations for annexation. Seward, who showed an increasing interest, gained the support of Thaddeus Stevens for a lease of Samaná Bay; and early in 1867 Frederick Seward was sent down to negotiate a treaty for the cession or lease of Samaná Peninsula—not more than \$2,000,000 to be paid for the cession.⁸ But his negotiations failed.

As for Fabens, he was a Bostonian who had migrated to Texas and gained his title of colonel in the Mexican War. In 1854 Secretary Marcy sent him to Greytown, Nicaragua, to investigate claims arising from its bombardment by an American warship. Marcy's taste in special agents was somewhat bizarre. In 1859 Fabens had appeared in Santo Domingo as an associate of Cazneau. The two were partners that year in attempting to obtain a grant of land from President Santana in return for a loan and the encouragement of American emigration to the island; and partners they remained. When in 1862 Congress appropriated funds to assist in the colonization of former slaves, Cazneau, Fabens, and others organized an "American West India Company" which shortly became notorious. After investing only \$4,000 in land, the promoters published a prospectus which represented that they had acquired areas valued at more than \$2,000,000. Credu-

⁷ Except as chief promoter of the American West India Company, mentioned hereafter. A prospectus of this company (1865) in the New York Public Library lists Hiram Ketchum, a well known Wall Street operator, as president, and George F. Dunning, superintendent of the U. S. Assay Office, as treasurer. Cazneau was of French Catholic ancestry.

⁸ F. W. Seward, *Reminiscences of a Wartime Statesman and Diplomat*, 1830-1915, 344 ff.

lous American settlers were brought in. After some had been driven out by the revolt against Spain and others killed by fever, the impoverished remainder were repatriated by the American commercial agent. The company became a byword, but its promoters seem to have reaped a neat profit.⁹

Altogether, Cazneau and Fabens were a remarkable pair, full of schemes, avid of money, and devoid of scruples. In the middle sixties they engaged in a variety of speculative enterprises based upon concessions or expected concessions in Santo Domingo. They sold stock in the United States in several wildcat corporations, such as the San Domingo Cotton Company. They embarked upon a fresh colonization project, as unhappy as the old. Cazneau in 1866 obtained a concession from the Cabral Government for the introduction of immigrants into two of the five provinces, and the establishment of settlements along the Haitian frontier—where trouble was thickest.¹⁰ He and Fabens then induced New Englanders and New Yorkers to emigrate—perhaps two hundred families in all, though Fabens later declared that he knew of only forty.¹¹ Many died from fever and privation, and again the American commercial agent had to help the survivors return to their own country. The most curious of Fabens' schemes was the establishment of camel routes in the island. Early in 1867 he personally brought eighteen camels from North Africa, and made arrangements for more. They were to furnish quick and sure transportation from the mines and salt-beds of Monte Cristo province, and make the towns of Monte Cristo a bustling seaport. "I am awestruck with the brilliant prospects," he wrote Cazneau.¹²

By 1868 Cazneau and Fabens had laid their hands upon concessions and property which promised dazzling wealth if the United States ever became responsible for the development of the island. Fabens on July 3, 1868, was commissioned by the Baez Government to make a geological survey and mineralogical exploration of the republic. He was to submit quarterly reports, and as compensation to have the right to select one-fifth part of all the public lands examined. They were to

⁹ Welles, *Naboth's Vineyard*, I, 313-315.

¹⁰ Report U. S. Commission of Inquiry, 1871 (Senate Exec. Doc. No. 9, 42nd Cong., 1st Sess.) p. 183. Hereafter cited as Commission of Inquiry Report. The 265 pages of testimony are particularly valuable.

¹¹ Hatch-Santo Domingo Report (Senate Report No. 234, 41st Cong., 2d Sess., 1870). Hereafter cited as Hatch Report.

¹² Fabens to Cazneau, July 8, 1867; Fabens Papers.

be set apart and "immediately enjoyed" as rapidly as he completed his reports. Obviously something lay behind this agreement; governments do not hand over one-fifth of their mineral lands in return for a mere survey, or entrust expert geological undertakings to men as ignorant of science as Fabens and Cazneau. Secretary Seward nevertheless commended the enterprise in glowing terms, and Fabens organized a company in New York to finance the work. Its president was William L. Halsey of 36 William Street, and among others interested were General S. L. M. Barlow, Cyrus M. McCormick, Ben Holliday, and John Young, all representing important business interests.¹³ A geologist with the delightful name of Professor Gabb—William L. Gabb of Philadelphia—was engaged, and reached Santo Domingo on March 1, 1869, with seven trained assistants. They soon explored and surveyed large areas. It appeared that the provision regarding one-fifth part of the public lands was susceptible of very broad construction. The concessionaires interpreted it, with Baez's approval, to give them agricultural as well as mineral lands on the public domain, and if minerals were discovered beneath private lands, to give them a right to these deposits after paying the owners for the surface.

By February 7, 1871, about \$35,000 had been invested in the survey. In return for this trifling amount the concessionaires were acquiring claims of immense potential value. Not less than half and probably three-fifths of the republic was public land.¹⁴ Within a short time, therefore, Fabens and his associates would hold at least one-tenth of all Santo Domingo—the richest fraction that geologists could pick out. The moment the American flag went up over Santo Domingo these holdings would justify a high capitalization.

In addition, Fabens, Cazneau, and a growing list of American associates had acquired other property. Cazneau held private mining interests. Spofford, Tileston, & Co., one of the largest investment and mercantile houses in New York, obtained a concession for the sole steamship line from New York to Dominican ports. They and Fabens gained title to a thirty-acre tract fronting on that part of Samaná Bay called the port of Santa Barbara, the most valuable anchorage. A group which included Fabens, Cazneau, the merchant Edward Prime, Edward P. Hollister of 54 Wall Street, and Spofford, Tileston also

¹³ Commission of Inquiry Report, 238. ¹⁴ Commission of Inquiry Report, 236–238.

shortly obtained (July 4, 1869) a charter for a National Bank of Santo Domingo. Much was hoped from this banking franchise. "I feel confident," Hollister wrote Fabens,¹⁵ "that upon your returning with such a privilege we can accomplish much to our mutual profit, and at the same time be of no small service to the Dominican Government. Let it be broad in its provisions and exclusive in its grants." The bank was set up in Santo Domingo City in 1870, and managed by Edward Prime, Jr. Though unprofitable as long as Santo Domingo remained a weak republic, annexation would make it of great value. "Judge" Peter J. O'Sullivan,¹⁶ of Ohio and New York, held several concessions, the most important being for a New Orleans-Santo Domingo steamship line, subsidized by a fifteen per cent rebate on customs dues.

Thus when Fish became Secretary, a considerable American group owned a large financial stake in the little republic and were eager to promote the Fabens-Cazneau scheme of annexation. Spofford, Tileston, & Co., with their interest in Samaná Bay, the National Bank, and the steamship line now about to begin operations, were financially the most powerful. They held much the same place in New York finance which J. P. Morgan & Co. took a generation later. Holliday, Barlow, McCormick, and O'Sullivan commanded extensive resources, while mining corporations could easily be interested in the lands "earned" by Gabb's geological survey. If events favored annexation these interests would rapidly grow larger, their pressure upon Washington stronger. Fabens could be counted upon to knit the group together, to supply ideas, to enlist lobbyists, and to keep the whole enterprise spinning. By 1869 he had definitely become the directing mind of the enterprise; it was he who laid most of the plans, who travelled between Santo Domingo and Washington, who buttonholed financiers, argued with Congressmen, and walked confidently into Fish's office.¹⁷ Cazneau was the more active in the island, but his reputation had suffered from the colonization fiascos, while his French name was against him; Fabens, with his Boston background, urbane manners, and fluent

¹⁵ Fabens Papers.

¹⁶ See N. Y. *Tribune*, November 26, 1869, for a sketch of O'Sullivan's personality and career. Cornelius Cole tells us (*Memoirs*, 346) that he believes O'Sullivan was the first to interest Grant in Santo Domingo.

¹⁷ Fabens Papers; New York press, May-September, 1869; Pierce, *Sumner*, IV, 309 ff.

speech, controlled, as E. P. Hollister wrote him, "the destinies of us all."

III

The Baez Government, after long viewing annexation with reluctance, by the fall of 1868 definitely embraced it. President Baez was a more attractive man than most of his American associates. An almost-white mulatto, he gave so acute an observer as Andrew D. White the impression of a brilliant, energetic Spaniard.¹⁸ Both White and Samuel Gridley Howe have recorded their pleasure in his quiet, elegant manners, cultivated conversation, and independence of bearing. His father had been a Spaniard of wealth, his mother a quadroon, the daughter of a slave, so that he was fitted by birth to play the rôle of *conciliador de razas*. He had been sent to France for his education and had moved there in the best society; he was well-read. Some sneered at him for never having fought in Santo Domingo—he was La Espada Virgen, the virgin sword—but his love of peace was commendable. He was supported by three brothers, one commanding the army, another governor of the province of Azua, and the youngest governor of the capital city; the four, with several really superior men in the Cabinet, making up a well-entrenched oligarchy. It was selfish, but it had more capacity than most Latin-American oligarchies, and it sympathized with Baez' desire to break down class lines and make the island a field in which men of all races could find the level due their worth.

At first Baez wished merely to lease Samaná Bay to the Johnson Administration. Then in June, 1868, he offered to sell the bay and peninsula for \$2,000,000, on condition that American warships sustain his government while the sale was being effected.¹⁹ Finally, in October, he informed the American commercial agent that an outright protectorate leading to annexation would be welcomed. The New York *Tribune* credited O'Sullivan, a "speculative traveller," with doing as much as Fabens and Cazneau to convert Baez.²⁰ This recent Minister to Bogota, who spoke Spanish and French fluently, had spent considerable periods in 1867-69 in Santo Domingo; Washington rumors linked his name "with uncertain speculations, as the owner of all sorts of

¹⁸ *Autobiography of Andrew D. White*, I, 490 ff. See the interesting material on Baez in N. Y. *Tribune*, July 8, 1869, January 22, 1870, February 21, 1870.

¹⁹ Seward, *Seward in Washington*, III, 244 ff., 372 ff.

²⁰ November 26, 1869.

franchises for all sorts of projects" in the Caribbean area. If an isthmian canal were authorized, Sullivan would be "sure to control some necessary land or place" on the isthmus. But Baez was convinced as much by circumstances as by persons. His defenders have maintained that he was really heartsick over the bloodshed and impoverishment of the republic, and wished for the United States to rescue the population from its long misery. He saw also that his position was precarious. Without money, sufficient arms, or assured popular support, his government had to carry on a wasting warfare with two rebel chieftains, Cabral and Luperon. Eventually he would be overthrown. But if annexation and Statehood came, he could hope for high political office.

Fabens had been busy in Washington during the spring of 1868. He had sailed from Santo Domingo in April with instructions from the Dominican Foreign Minister in his pocket, and at once begun urging upon Congressmen the wisdom of acquiring Samaná Bay if not all of Santo Domingo. He had reawakened Seward's interest in the subject. He had enlisted N. P. Banks, head of the House Foreign Affairs Committee, whose papers show how effectively the Dominican lobby was laboring.²¹ He asked Thaddeus Stevens (too ill to do it himself) to have some friend introduce a resolution calling for the annexation of any West Indian island which desired to join the United States. He offered Ben Butler a bribe, which Butler shamelessly accepted—a share in a tract of land on Samaná Bay. Butler agreed to introduce a resolution authorizing an American protectorate over Samaná Bay; and he was also one of the first to approach President-elect Grant upon Santo Domingo. Fabens wrote a New York associate on January 10, 1868: ²²

I saw General Butler yesterday morning and explained to him in detail the situation of the Samana matter. He sees clearly its great importance and agrees to coöperate with us in carrying it out. At his request I arranged for an interview with Mr. Seward and they were together this morning from 9:30 to 11 A. M. The result is that General Butler will prepare a resolution, which he undertakes to carry through the House, authorizing the Government to extend the protection we require to our Samana interests. The resolution will be general in its character, but will fully cover our case. Mr. Seward will

²¹ For copies of the pertinent material in the Banks Papers on Santo Domingo, the author is indebted to Mr. Reinhard H. Luthin.

²² Fabens to C. K. Garrison, January 6, 1869; Fabens Papers.

then dispatch a national ship to Santo Domingo, and after our occupation, such aid as may be required will be promptly extended.

General Butler says that we must proceed to conclude our negotiations with the Dominican Government at once so that our interests may be secured prior to the arrival at Santo Domingo of the American war vessel. He does not propose to ask now for an appropriation, as he says that having secured the property we can fix our own price. He advises that the Samana Bay Company be ready with the first instalment of the loan to dispatch their agent to Santo Domingo immediately on the passage of this resolution. He will before presenting it see Washburne, Schenck, Logan, and others so that there will be no delay in passing it. He also proposes to see General Grant today or tomorrow, and secure his friendly coöperation. Mr. Seward is well pleased with the shape the affair has taken, and will do all he can personally to advance our interests.

General Butler spoke of his share of the scheme. I told him you would arrange that in a satisfactory manner.

Johnson in his last message to Congress declared for the annexation of both Haiti and Santo Domingo,²³ and a few weeks later Banks introduced a resolution authorizing him to extend a protectorate over either republic upon its own request. This resolution was voted down, 126 to 36. But Fabens did not easily lose hope. He wrote Banks on January 18: ²⁴ "Mr. Seward observed to me on the day after the vote on the protectorate resolution in the House that he thought that the matter could yet be carried during the present session. What is your opinion on this subject? Can I be of any service to you in Washington? Please advise me frankly. The affairs are fully ripe in Santo Domingo, and it is a pity that it should drag here." It was evident that a larger vote could be won for outright annexation. Many Congressmen shared the view which Joseph Medill, of the *Chicago Tribune*, expressed to Banks.²⁵ "Your 'protectorate' proposition was received with 'shouts of laughter' by the people. But the annexation idea is a horse of a different color, and sets people to thinking. I find this in an evening paper. This morning I published the enclosed article in the *Tribune*, which while it does not commit the paper to annexation of Haiti, prepares the way for it. Go ahead with the negotiation. It is a magnificent island, and in our hands would be worth untold millions to commerce. Its annexation would pave the way for—" Medill did not complete the sentence, but he meant Cuba.

²³ Richardson, *Messages and Papers*, VI, 689.

²⁴ Banks Papers.

²⁵ Medill to Banks, February 4, 1869; Banks Papers.

When Fish took office the annexationist effort was in full tide. Fabens and Cazneau were laboring amain to induce the Baez Government to present a more explicit request for annexation. Banks was their firm ally, as a note which Fabens sent him in February shows:²⁶ "Your letter is admirable and fully covers the case. It will enable me to place matters in such a light before the people and government of Santo Domingo that I anticipate no difficulty in a speedy and satisfactory solution of the question." In June Fabens wrote again, "Accounts from St. Domingo continue cheering." Havana dispatches to the *World* on March 8 spoke of rumors that Baez was sending commissioners to treat for annexation to the United States.

The two promoters and their associates were also continuing their propagandist activities in America. On April 1 Fabens wrote Fish, enclosing an optimistic report on the resources of Santo Domingo.²⁷ He referred to Samaná Bay as the Gibraltar of the New World, adding: "The annexation of this country to the United States should be an acquisition of great value." Five days later, as we have recorded, he brought Fish his "memorandum" from the Dominican Government proposing annexation, and was received with freezing reserve. In mid-April an important letter from Cazneau was handed to Banks, who read it to Grant, to Horace Porter, to Secretary Rawlins, and to his House Committee, doubtless with flattering comments.²⁸

In May a meeting was organized in New York to support a Dominican protectorate, and General John A. Dix was asked to preside. Banks, who had agreed to speak, urged him to accept. "It is a national and not a party question," he wrote,²⁹ "and will lead I hope to a broader foundation for our government policy than now exists in this Administration. So far as I am concerned I shall speak upon it exactly in the line of your policy and speeches in the Senate, and in no wise as a mere party or Administration question. I have a deep and strong conviction that this subject will lead to new and great results in our political affairs. . . ." Bennett's *Herald* was publishing letters and articles from the pen of Mrs. Jane Cazneau.³⁰ Dana's *Sun* began beating the drum still more loudly. An exuberant article in May extolled

²⁶ Fabens to Banks, February 18, 1869; Banks Papers.

²⁷ Fish Papers.

²⁸ Fabens, writing to Cazneau, notes this transaction; Fabens Papers.

²⁹ Banks to Dix, May 7, 1870; Banks Papers.

³⁰ The author had examined the *N. Y. Sun*, *Herald*, *Tribune*, and *World* exhaustively for the greater part of 1869.

Santo Domingo as "the garden of the Antilles," "the finest part of the whole West Indies," "extremely rich in gold deposits," a paradise in climate and a Golconda in wealth. "After Cuba then Santo Domingo," proclaimed the *Sun*. On the other side, the *World*, *Tribune*, and *Nation* were warning the country against grandiose annexationist projects. "The signs are," stated the *World*, "that there is a powerful combination in this country to annex the [West Indian] islands by some hook or crook, not from any considerations of public advantage, but merely as a large speculation in real estate and colonial debts. . . ."

Early in May, 1869, Baez, needing money, entered into a contract with Edward H. Hartmont of London for a loan to the Dominican Government of £757,700—soon reduced by the Dominican Senate to £420,000.³¹ Hartmont was to receive £100,000 of this as a commission; £50,000 was to be paid on the conclusion of the agreement; and the remaining £270,000 was to be provided before January 1, 1870. As was later discovered, Hartmont had begun life as Edmond Hertzberg of Luxembourg, had been sentenced to five years' penal servitude in France for forging a bill of exchange, and had fled to England, where he soon served two months in jail as a swindler. He had since gained some means and influence, but his reputation in London financial circles was bad. That Baez should resort to such an agent for financial assistance, and should agree to the cruel terms exacted, was evidence of his dire need for funds. Interest and sinking-fund payments were to be guaranteed by the entire assets of two provinces of the republic, a first mortgage on certain mines and forests, and the revenues from the guano island of Alta Vela. Fabens was the agent of Hartmont in Washington. The London firm of Peter Lawson & Son was associated with Hartmont in Dominican affairs—and its New York agents were Spofford, Tileston, & Co! Thus Hartmont was allied with the chief American interests operating in Santo Domingo.

IV

Fish was strongly against any annexation. We have noted that when in April he brought Fabens' "memorandum" before the Cabinet, he opposed giving it any immediate consideration, and it was passed over

³¹ For the Hartmont Loan, see *British Parliamentary Papers*, XI, Special Report of 1875, Appendix xxvii–xxx, 125–142, Appendices 19, 20, 33.

after a desultory conversation.³² The British Foreign Office had asked Thornton whether the American Government had any intention of annexing Santo Domingo or buying Samaná Bay; and in his reply on May 17 Thornton accurately reflected the Secretary's views: ³³

I may . . . be allowed to express my firm belief that they intend to do neither the one nor the other.

Mr. Fish has told me in conversation that certain persons in high position have implored the United States Government to take charge of it and to admit it into the number of their States; but that they had no intention whatever of yielding to these intercessions, having on the contrary the conviction that however possible it might be for the United States to annex countries inhabited by the Anglo-Saxon race and accustomed to self-government, the incorporation of these people by the Latin race would be but the beginning of years of conflict and anarchy.

With regard to the Bay of Samana, I doubt whether General Grant is disposed to favor any purchase of that nature; but it is very certain that after the serious dissensions which followed the purchase of Alaska and the Treaty for the acquisition of St. Thomas, it is not likely that any government of the United States would venture upon a similar negotiation without first consulting the feeling of Congress upon the subject—a step which could not be taken without giving publicity to such a project.

Thornton added that no attention was paid to Banks, the great promoter of these schemes, by members of Congress, who laughed at his harangues; Banks had once possessed considerable influence, but his exaggerated opinions and dissipated habits, which had brought him into many difficulties, were fast depriving him of the power of doing any mischief.

But Fish was only one member, and as yet not the most influential, of Grant's Administration. Ultimate decisions in the initiation of foreign policy lie with the President and not the Secretary of State. Fabens and his cabal, well aware of this, centred their attention upon Grant and the men closest to him. A letter which Fabens sent Cazneau on April 22 throws much light upon their activities.³⁴ He wrote that "As soon as the Senate adjourns, the President will look at Sto. Domingo"; that annexation had gained much strength and "can be carried at next session"; that to give Baez "strength sufficient to hold over" he would arrange to lease an estate on Samaná Bay to the United States for \$50,000 in arms and munitions and \$50,000 in gold; that in

³² Diary, April 5, 6, 1869.

³⁴ Fabens Papers.

³³ PRO, FO 5, 1160, No. 117, May 17, 1869.

this lease Admiral Porter, Rawlins, Logan, Banks, and Fish "will all coöperate"; that Grant "is very favorably disposed"; and that Rawlins, Banks, Logan, and Congressmen Wilkinson and Swan all "propose a trip to Sto. Domingo and may sail soon in a United States steamer." This was the exaggerated letter of a promoter. But the attention to Rawlins, Logan, and Admiral Porter which it indicates is significant. If Rawlins, with his belief in manifest destiny, once urged Santo Domingo upon Grant, half the battle would be won.

The President, as his letterbooks show, was also friendly with Ben Holliday, made famous by the pony express and rich by mines and steamships. The interest of so wealthy a man in Santo Domingo would impress Grant. So would the interest of Spofford, Tileston—for money always awed the President.

There were others close to Grant who, for wholly disinterested and patriotic reasons, supported the annexation project. Chief among them were Admiral Daniel Ammen, who wished to strengthen the navy, and Senator Cornelius Cole of California, who desired an isthmian canal. Ammen had been a boyhood friend of Grant in Georgetown, O., and once while fishing had saved him from drowning. The President often told the story with gusto. In his long career at sea (he had entered the Naval Academy at fourteen) he had grown familiar with the Caribbean, and had become convinced that the United States should lose no time in acquiring island bases and building a canal across Nicaragua. For this reason he had warmly supported the annexation of Santo Domingo during the Johnson Administration. He dined at the White House almost weekly, for he was a great favorite with both the President and Mrs. Grant; a born observer and skillful raconteur, he talked delightfully of his naval adventures.³⁵ He and Grant frequently discussed the canal and the Dominican question. Cole, a native of Western New York who had studied law in Seward's Auburn office, had gone to California as a forty-niner and risen to political eminence there. He had lived near Grant on I Street when the latter was general of the army, became a warm friend, and subsequently removed closer to the Executive Mansion. He was a handsome man, of exuberant health and spirits, who looked destined to live to a hundred—as he did—and who had persuasive ways. His son Willoughby played with Grant's youngest

³⁵ See Ammen's autobiography, *The Old Navy and the New* (1891); Jesse R. Grant, *In the Days of My Father*, 132-135.

child, Jesse, in the wide White House grounds.³⁶ The Pacific Coast was eager for an interoceanic canal, its press supported annexation, and Cole, with other Western politicians, vigorously abetted Ammen in his efforts.

v

While Fish continued to show chilly indifference to Santo Domingo, the forces playing upon Grant rapidly made the desired impression. On May 17 the President requested the Navy Department to send a warship to Dominican ports to bring back information upon finances, commerce, agriculture, the political situation, the attitude of the Dominicans toward the United States, and the popular feeling upon annexation.³⁷ The *Nipsic*, Commander Selfridge, sailed for Santo Domingo, but was crippled before the investigation had gone far, and returned to Hampton Roads on July 14 with meagre information.³⁸ Selfridge's impressions were unfavorable to annexation, but were not reduced to writing and the public knew nothing of them. Meanwhile, Spofford, Tileston's steamship line to Santo Domingo began sailings in June with the *Tybee*, and Paul H. Spofford (who had been engineer-in-chief of the State militia when Fish was governor) suggested to the State Department that it send a representative, quite unofficially, to obtain data upon the island. Fish, if left alone, would have done nothing. But Grant was determined to have more information; and at the President's request, Fish asked Benjamin P. Hunt of Baltimore to go. Unfortunately, he was taken ill.³⁹

We say unfortunately, for Grant's next choice was worse. At a Cabinet meeting in late June or early July, the President remarked⁴⁰ that "the navy people seemed so anxious to have the Bay of Samaná as a coaling station that he thought he would send General Babcock down to examine it and report upon it as an engineer." By "navy people" he meant Admirals Porter and Ammen. They perhaps suggested Babcock, though it is more probable that he suggested himself. He was a bright, handsome, affable young man, of high capacity, who liked power and was steadily reaching for greater responsibilities. Most

³⁶ Jesse R. Grant, *op. cit.*, 58, 59.

³⁷ Sumner Welles, *Naboth's Vineyard*, I, 367 ff.

³⁸ Senate Exec. Doc. No. 34, 41st Cong., 2d Sess., p. 2 ff.

³⁹ Fish Papers; cf. Jesse R. Grant, *op. cit.*, 134, 135.

⁴⁰ J. D. Cox, "How Judge Hoar Ceased to be Attorney-General," *Atlantic Monthly*, August, 1895.

people thought well of him. General W. T. Sherman did, and he was no fool; so did the newspapermen. He was the aide who had stood just back of Grant when Lee signed the articles of surrender in the little parlor at Appomattox,⁴¹ and he had been at Grant's shoulder ever since. Fabens, who learned at once of the plan to send him down, for he mentioned it to Fish on July 9,⁴² was delighted that so friendly an agent was selected.

On July 13 Fish gave Babcock careful instructions. He was to report upon the population of Santo Domingo, its agriculture, minerals, trade, currency, government, its attitude toward the United States, and related matters;⁴³ but he was given no diplomatic authority whatever. The trip so far as Fish was concerned was for general investigation only. It was Grant who, without Fish's knowledge, instructed Babcock to sound Baez particularly upon the question of annexation.⁴⁴ On the same day the Navy Department despatched the *Seminole* (Commander E. K. Owen) to Samaná Bay, instructing her to remain during Babcock's stay and furnish him the moral support of her guns. A rebel gunboat, the *Telegrafo*, had been giving the Baez Government great anxiety, and in a recent engagement had fired several shots near the Spofford, Tileston steamer. Grant had Owen ordered to seize the *Telegrafo*, if possible, on the ground that she was "interfering with American commerce"—a flimsy excuse, unworthy of the President. This order was all too obviously playing Baez' game. Nor did Grant show a proper caution in other ways. Babcock proposed to take the *Tybee* to Santo Domingo; but when the President naïvely remarked that some New York merchants would give him free passage, Fish sternly protested.⁴⁵ He did not wish a government agent placed under obligations to private interests. When on July 17 Babcock boarded the *Tybee*, the government paid his fare.

On the wharf Babcock was joined by a merry trio also going to Santo Domingo—none other than Fabens, Senator Cole, and "Judge" O'Sullivan. Needless to say, they made instructive travelling compan-

⁴¹ See frontispiece, Badeau's *Grant in Peace*.

⁴² Sumner Welles, *Naboth's Vineyard*, I, 368; there is no mention of this meeting in Fish's Diary.

⁴³ Sen. Ex. Doc. 17, 41st Cong., 3rd Sess., 79.

⁴⁴ Hatch Report, 36.

⁴⁵ J. D. Cox, *op. cit.*, *Atlantic Monthly*, August, 1895. Grant later wrote Senator Nye (June 27, 1870; Grant Letterbooks) that he had ordered Babcock to consult the Dominican leaders. "If he found them favorable he was directed to ascertain the terms on which they desired annexation." I find no evidence that Grant told Fish this. Babcock conveyed the orders for the seizure of the *Telegrafo* to the U. S. S. *Tuscarora*.

ions, and filled the President's secretary with facts and ideas. On July 25 the *Tybee* anchored off Santo Domingo City. Babcock and Cole gaily informed reporters that their visit was a mere pleasure trip. Nevertheless, next day the vessel steamed to Azua, near which President Baez was vacationing. Handsome carriages took the Americans to his temporary quarters, on the site of a town which the Spaniards had sacked. They met a hearty reception. About thirty sat down to a late afternoon dinner, after which the party broke into little knots enjoying their cigars under the cool evening sky. Presently Babcock and Baez slipped from the *sala*, and the Dominican Secretary of State joined them in an interior room for a long talk. They finally rejoined the other guests; conversation again became general; and after half an hour the party adjourned for the night and servants showed them to their rooms.

But as Mrs. Cazneau wrote the New York *Herald*, not all slept. "The President disappeared for the night; so did Senator C[ole], so did Secretary of State G[autier], so did Commissioner F[abens] of the Mining Survey, so did everybody in fact; but while the 'everybodies,' your correspondent included, retired to the beds hospitably prepared for their reception, the aforesaid gentlemen of the initials were collected in the President's sanctum to—discuss a last cigar, let us say—which was so very interesting that they did not finish until two o'clock in the morning." Next day reports were circulated that the programme for Dominican annexation was well under way. The President's advisers were hopeful that the American flag might be raised without delay. "Baez and the hope of annexation have smothered out the leaders and the element of opposition for this year at least."

A few days later Cole reëmbarked on the *Tybee* for New York. Babcock and Fabens were entertained by Cazneau in Santo Domingo City until the return of Baez. Conversations were then resumed at the Presidential palace, with Cazneau as interpreter. Everyone knew that Babcock and Baez were discussing more important subjects than the resources, finances, and government of the island; while it was also patent that Babcock cared nothing about an engineering survey of Samaná Bay, or field observations of any character. Remaining until September 6, he hardly stirred outside the capital. Meanwhile, Mrs. Cazneau's account of his first nocturnal conversation with Baez had aroused great interest in New York. John Bigelow, editor of the *Times*, wrote Bancroft Davis for information upon the purposes of Cole and

Babcock.⁴⁶

Unquestionably Fish read Mrs. Cazneau's story in the *Herald*, and became as suspicious as anyone of what Babcock was doing. He also read the editorials in which the *Herald* joined the *Sun* in raving about the island republic, "rich beyond estimation in mines of gold, silver, and lead . . . magnificent tropical forests . . . plains of amazing fertility." He read the assertion of the *Tribune's* Washington correspondent on July 17 that annexation was "merely a question of time." He heard much roundabout information on Dominican matters. For example, the Catholic clergy in the island were deeply disturbed by the movement, and Cardinal Antonelli in Rome sent word to Lord Clarendon that he opposed it, for universal suffrage—which would certainly follow—had been condemned by the Pope in his syllabus. Clarendon saw that this statement reached Washington.⁴⁷ At this time, indeed at all times, the relations between Fish and Grant were thoroughly frank and cordial. It is incredible that while Babcock lingered in Santo Domingo during August he did not write Grant. It is incredible that Fish, seeing Grant repeatedly during August and early September at Garrison and Long Branch, in New York and Washington, did not discuss the Dominican question with him.

We may take it as certain, in view of later events, that in August or early September Grant told Fish that he had determined upon annexation. We may take it as certain that Fish expostulated—without result. He knew better than to argue when Grant once set his jaw. He realized by now that in such matters the President had the mind of a wayward, incalculable, excessively stubborn boy; a boy of fourteen. And from Fish's standpoint annexation was not an issue of paramount importance. The Senate would ultimately pronounce upon it. He was anxious above all else to preserve peace with Spain as against Rawlins, and with England as against Sumner. If he could do this, he was willing to let Grant amuse himself with Santo Domingo.

VI

On September 14 Babcock was back in Washington, and at once reported to the State Department. The Secretary, for all his previous

⁴⁶ Bigelow to Davis, August 13, 1869, copy in Fish Papers; cf. Bigelow, *Retrospections of an Active Life*, III, 305, 306.

⁴⁷ PRO, FO 115, 486; Odo Russell to Lord Clarendon, Rome, April 6, 1869.

suspicion as to events in the island, was nonplussed by what Babcock told him. The suave young colonel, who had departed merely to make a general investigation and who possessed no diplomatic powers, had signed a *projét* or protocol for the annexation of the republic! He showed it to the dismayed Secretary. In form it was merely a memorandum which embodied terms upon which he and Baez had agreed; but as Fish's diary shows, Grant always alluded to it as a "treaty," and there can be no doubt that he, Babcock, and Baez so regarded it.⁴⁸ It provided, in brief, that the United States might either purchase Samaná Bay for \$2,000,000, or might annex all of Santo Domingo upon assuming the public debt of \$1,500,000. In consideration of this "option," Babcock agreed that "his Excellency President Grant assumes the obligation to remit forthwith" \$100,000 in cash and \$50,000 worth of arms, to be credited against the final American payment no matter which alternative our government chose. He also pledged President Grant "privately to use all his influence" for the acceptance of the final treaty by Congress. And finally, he agreed that whichever option was adopted, the United States would "guarantee the safety of the country against every foreign aggression or machination" in order that Baez might safely carry out its part of the bargain; that is, would protect him against Haitian intervention in behalf of Cabral.

In short, Babcock had not only agreed that the United States would make a treaty providing for alternatives of annexation or the Samaná Bay purchase; he had tried to commit the executive power to political, financial, and military acts that are usually regarded as requiring the consent of Congress. He apparently thought that Grant might furnish \$150,000 in cash and arms to the Dominican Government, and might engage in hostilities with the Haitians, without consulting any other branch of government! Truly, the cocksure young officer had taken a great deal upon himself.

Fish was disturbed and indignant at Babcock's usurpation of diplomatic authority. His feelings are beyond doubt accurately described in Secretary Cox's somewhat untrustworthy reminiscences written twenty-six years later for the *Atlantic*.⁴⁹ Cox tells us that, seeing the announcement of Babcock's return coupled in the New York press with queer rumors, he hastened to the State Department. Fish, sending his

⁴⁸ Cf. S. F. Bemis, Ed., *American Secretaries of State*, VII, 143.

⁴⁹ *Ut supra*, August, 1895.

private secretary out of the room, closed the door. Then, approaching Cox with manifest feeling, he burst out: "What do you think? Babcock is back and has actually made a treaty for the cession of Santo Domingo; yet I pledge you my word he had no more diplomatic authority than any other casual visitor to that island!"

They earnestly discussed the situation. According to Cox's recollection, they agreed that the proper course was to treat Babcock's protocol as null, and to insist upon burying it in oblivion. But this is not quite accurate. What Fish really wished to do was to treat the protocol as a highly informal document, a mere memorandum or rough jotting, such as any American citizen might have set down after a talk with Baez. The subject could then be brought before the Cabinet for debate. On the 17th he wrote Grant,⁵⁰ who was out of the city, and it is noteworthy that he makes no mention of the *projét* or any other written agreement (though he speaks of "papers"), but discusses the matter as if Babcock had merely submitted a verbal report. His aloof and non-committal tone is also noteworthy:

General Babcock reports a very pleasing reception and gives a very pleasing account of the island, its productiveness, capacity, and even of its population—the number not exceeding by Dominican estimates 225,000, which the General thinks is much in excess of the reality.

President Baez and his Cabinet are willing to negotiate for the annexation of their part of the Island to the United States for the sum of one and a half million dollars—they estimating that that sum will be necessary to cover their public debt, pay the arrearages due to their army, etc., and the expenses attending the transfer, election, etc. For this they cede as property the arsenals, forts, public buildings, navy (such as it is—two little yawls, I believe), the harbors and ports, etc. They retain the right of property in the uncaded public lands, on which I understand they are willing that any excess of liability of the present government or any claims against the present government may be charged. They will require, however, one hundred thousand dollars in money and about fifty thousand dollars worth of certain articles (clothing, etc.) for their soldiers to be furnished at the time of the signing of the treaty. The question of annexation [is] to be submitted to a popular vote in the island—the result of which they say is not susceptible of a doubt.

If the treaty fails of ratification by either party, this amount (cash and articles) to be credited on account of a sale of Samana Bay which they will also agree (in the same negotiations) to sell for the price offered by Mr. Seward, \$2,000,000.

They are now negotiating a loan in London, which they will arrest on being

⁵⁰ Letterbooks.

assured that their willingness to be annexed is favorably entertained here. Nothing will be done further with that loan until opportunity is had to receive your decision. The next steamer is to leave New York on Saturday, 25th inst. . . .

The General has papers, etc., which he will hand me tomorrow. I hasten to give the substance of his verbal communication. It will be in ample time to send an answer, whether it be of encouragement or otherwise, on Saturday of next week.

Grant did not have time to write a reply. The disastrous gold-squeeze in New York was drawing to its Black Friday crisis, and on September 22 he returned posthaste from Pennsylvania to deal with it. Next day Fish was characteristically busy.⁵¹ Thornton saw him about abuses in the transportation of labor to the Fiji Islands by American vessels—"blackbirding." The Spanish Minister saw him about Cuban belligerency. Blaque Bey brought a copy of the Turkish budget. The Portuguese Minister gossiped about Cuba, saying that the United States were "masters of the position" and complimenting Fish for his policy. The Prussian Minister talked about an emigrant convention, the standardization of coinage, and Cuba. The Danish Minister came to ask if the St. Thomas treaty would be extended. But Fish found time for a long conversation with Grant; and he found that Babcock's report had solidified the President's determination to annex Santo Domingo. Grant directed him to take Babcock's protocol for a basis, and draft a treaty which could be sent to Santo Domingo in regular form.

VII

In delivering his orders to Fish, Grant neither inquired nor cared about the opinions of his Cabinet. He was the commander-in-chief, they were staff subordinates; theirs not to reason why—merely to do or resign. As a matter of fact, several members were deeply disturbed by Babcock's course. Fish's diary is silent on the subject, but Secretary Cox has described a Cabinet meeting which took it up. His paper in the *Atlantic*, while manifestly inaccurate in some particulars, in others rings true. He relates that when members entered the Cabinet room, Babcock was there exhibiting specimen ores and products of the island, and descanting on its value. He was frostily treated and soon left:

⁵¹ But not so busy that on September 20 he wrote Motley asking him to learn all he could of the negotiations for the Hartmont loan; Fish to Motley, Sept. 20, 1869. Letter-books.

It had been the President's habit, at such meetings, to call upon the members of the Cabinet to bring forward the business contained in their portfolios, beginning with the Secretary of State. This would at once have brought the action of Babcock up by Mr. Fish's disclaimer of all part in the matter, and his statement of its utter illegality. On this occasion, however, General Grant departed from his uniform custom and took the initiative. "Babcock has returned, as you see," said he, "and has brought a treaty of annexation. I suppose it is not formal, as he had no diplomatic powers; but we can easily cure that. We can send back the treaty, and have Perry, the consular agent, sign it; and as he is an officer of the State Department it would make it all right!"

This took everybody so completely by surprise that they seemed dumbfounded. After an awkward interval, as nobody else broke the silence, I said, "But Mr. President, has it been settled, then, that we *want* to annex Santo Domingo?" The direct question evidently embarrassed General Grant. He colored, and smoked hard at his cigar. He glanced at Mr. Fish on his right, but the face of the Secretary was impassive, and his eyes were fixed on the portfolio before him. He turned to Mr. Boutwell on his left, but no response met him there. As the silence became painful, the President called for another item of business and left the question unanswered. The subject was never again brought up before the assembled Cabinet.

Fish reluctantly set to work on the treaty. He wrote later that upon learning of Grant's determination, he resolved to be "loyal to a measure of policy which he inaugurated"; but that if left alone, "I might have paused before entering upon it." Not concealing from Sumner and others his dislike of annexation, he completed his draft. On October 16 he took it to the White House, where it was approved by Grant and Postmaster-General Creswell, Boutwell also joining in the discussion. Three days later—contrary to the final sentence of Cox quoted above—it was taken up by the Cabinet. Fish writes: ⁵²

October 19, 1869. . . . Cabinet. All present; read draft of San Domingo treaty. Boutwell proposed that the preliminary action of the House of Representatives in making an appropriation be made more explicitly necessary. The general policy of annexation was incidentally discussed. Boutwell inclines to think it must come; evidently not much in favor of it. Sherman [in Rawlins' chair] doubts the influence of the climate on free institutions; thinks our acquisition of Texas, New Mexico, and the greater part of California have been a source of weakness, and are a burden. [!] Cox, without seriously opposing, evinces no sympathy in favor of annexation. Creswell says he is thoroughly in favor. Robeson and Hoar say but little to indicate their feelings, but that little is rather in the way of doubt than of support.

⁵² Diary.

It is clear that Cox's dramatic story—repeated by James Ford Rhodes and other historians—is full of error. No man remembers details over a quarter of a century, and Cox confused and telescoped two distinct meetings, one of which considered Babcock's protocol and the other Fish's draft-treaty. At the latter it was not Grant who brought up the subject, but Fish. The result was not silence, but eager discussion. Feeling was not universally opposed, but divided, with one of the ablest members for annexation, and others dubious rather than hostile. Cox himself, with full opportunity to speak, said little! In short, Cox looked back at the scene not merely through the haze of twenty-six years, but through the distorting haze of a public conviction that the annexation scheme had been wild and absurd. That conviction did not exist in 1869. By 1895 it seemed to most Americans that the Cabinet ought to have been horrified by Grant's plan, and Cox mirrored this feeling; but in 1869 few felt this. The proposal for annexation was an old one. It had been supported by Johnson, by Seward, by high naval officers, by influential newspapers; it was not unnatural that it should appeal to Grant. Strong arguments could be adduced in its favor. It was not a whit less defensible than the acquisition of Puerto Rico in 1898, for it was larger, richer, emptier, and of more naval value, while its population was friendlier. The whole course taken by General Grant was more defensible than Cox would have us believe.

But the President, trained like all great military leaders to be bold, was here guilty of great rashness. It was bad enough to act with a dubious Cabinet at his back, and in total disregard of its feelings. It was worse to reck so little of the Senate in front of him, and of that great court of last resort, public opinion. The Senate had served plain notice of its distrust of West Indian expansion by its virtual rejection of the treaty for the Danish West Indies. While public opinion was still in part unformed, E. L. Godkin had spoken for a large body of influential Americans when he wrote, apropos of this Danish question, a solemn warning to the new Administration.⁵³ "If there be any species of treaty which enterprising Presidents and Secretaries of State need to be warned not to make lightly, it is treaties for the purchase of new territory. A more monstrous doctrine than that which claims for any one man or pair of men the right secretly and suddenly to saddle the people of the United States with fresh territorial acquisitions, inhabited

⁵³ *New York Nation*.

they knew not by whom, to be governed they know not how, and to cost they know not how much, has probably never been propounded. We have evidently entered once more upon a period of annexation, and our new annexations on the Southern side at least are pretty sure to be semi-civilized additions, whose absorption may exercise a serious influence on our policy. No annexation, therefore, ought to be made till the public has had an ample opportunity to discuss it, and express its opinion on it. We do not want to wake up in the morning and find that the Secretary of State has overnight bought us two or three millions of fellow-citizens to be paid for out of our earnings, and provide work for forty or fifty thousand soldiers. . . ." Every sentence of this irrefutable statement applied to Grant's undertaking.

VIII

And what of Fish? Is he to be blamed for accepting Grant's policy? His decision to do so was one of the wisest in his entire career as Secretary of State. To begin with, refusal would have meant his immediate resignation—at a time when the gravest problems of peace or war lay ahead. Grant would have been quite capable of appointing the fire-eating Zachariah Chandler in his stead! But apart from this, his acceptance of all the repugnant burdens and risks of the Dominican enterprise is to be explained by a significant collocation of dates. It was September 23 when Grant returned to Washington to make his final decision on Babcock's protocol. *On September 30 the time Grant had intended to give Spain for action expired.* Fish's greatest immediate anxiety was to carry Grant past that date, past the autumn, without a recognition of Cuban belligerency.

We have said that Sickles' note, placing a time-limit upon the offer of mediation in the Cuban purchase of independence, encountered an hostile outburst in Spain; but back of this statement lies a striking story. The Spanish Government had consistently suppressed bad news from Cuba. With the willing aid of the press, it had gulled the public into believing that the revolt was "almost crushed"—that De Rodas would soon announce Cuban pacification. This fact gave the principal Isabellist organ of Spain, *La Epoca*, a sudden opening to dish the new Government. On September 5 it broke silence by a long sensational article, buttressed by quotations from private letters, on the danger of

a rebel triumph. It urged huge reinforcements at once. Next day it startled Madrid with still another sensational article—"fresh news of great gravity"—to the effect that Sickles had sent a note warning Spain that the state of American opinion would probably oblige the United States to recognize Cuban belligerency. It was good royalist tactics to prevent the solution of the Cuban problem, for Cuba might yet accomplish the overthrow of the Regency. The entire press of Spain, with the significant exception of some Government organs, caught the bellicose note of *La Epoca*. It published patriotic appeals; urged all parties to unite; demanded the dispatch of the entire army to Cuba; and called for public meetings in every city, town and village to express defiance of the insolent Yankees. The wildest excitement reigned. Funds fell to the lowest point in sixteen years. Outgoing dispatches were censored. The Government had to announce within a few days that five more warships had been ordered to Cuba, and that 10,000 men had sailed.⁵⁴

Meanwhile Prim, according to plausible reports, had held a discouraging interview with Napoleon III at Vichy.⁵⁵ The Emperor not only refused support, reminding Prim that Spain had not aided him in his Mexican enterprise, but expressed a conviction that Cuba would be lost to Spain. The Regency remained at heart as willing as ever for a sale. But the unfortunate leak in the Foreign Office, the exaggerated story of *La Epoca*, and the newspaper storm made any such transaction impossible. The United States learned of all this uproar about September 20. By that date Fish knew that pressure on Madrid was useless and that recognition would mean war.

The combination of this fact with the Santo Domingo negotiations gave him an irresistible argument to lay before Grant on the 24th. Grant had set his heart on Santo Domingo. Obviously, the moment of delicate negotiations for this rich island, for asking the nation to sanction its annexation, was not the moment to rush into a Spanish War. Congress would refuse to deal with more than one Caribbean question at a time. While Babcock returned to Santo Domingo and Grant prepared to lay a treaty before the Senate, the President must in ordinary caution stay his hand against Madrid.

⁵⁴ See Sickles' account of this excitement in his dispatch to Fish, September 18; Fish Papers. The furor was admirably covered by the London *Times* correspondent, September 14, 15, 1869.

⁵⁵ See the Paris dispatch of the N. Y. *Tribune* on this, September 14, 1869.

That Fish used this argument with complete efficacy lies plain upon the record of these days. Throughout early September he was filled with anxiety over the imminent recognition of belligerency. On the 4th he had told Lopez Roberts⁵⁶ that if Spain did not come to terms at once, "it would be impossible to avoid it." A few days later he made the same statement to Thornton.⁵⁷ Spain remained as recalcitrant as ever. But on September 23-24 his anxieties completely dissolved. When Roberts called at the State Department on the 25th, he told him confidentially—and jubilantly⁵⁸—"that there is no immediate probability of recognition." A nasty corner had been turned. And Fish knew well that by humoring Grant on Santo Domingo, he could gain a freer hand in British as well as Spanish relations.

IX

Early in November Babcock, accompanied by two army officers, Delos B. Sackett and Rufus Ingalls, sailed on the warship *Albany*, reaching Santo Domingo on the 18th. Fish had given him written instructions.⁵⁹ He was to lay before Baez the treaty for annexation, with an alternative convention for a lease (not purchase) of Samaná Bay. Major R. H. Perry, the new American commercial agent, was to sign this treaty and convention for the United States at the same time and place that Baez signed it. Fish particularly warned Babcock to express hostility to the pending Hartmont loan, for which the United States could assume no obligation whatever. A naval force was to be despatched to Dominican waters to ensure order, and to remain there during the Dominican plebiscite on annexation; and Babcock was to have supreme command of it as long as he remained in Santo Domingo.

So far as Fish or Grant knew, Babcock, while by no means sufficiently able to conduct so important a negotiation, was honest. Yet actually the wily Fabens had already seen that he, like Ben Butler, was given a financial motive to serve the annexationists. Fabens had written him on September 12:⁶⁰

Yours of yesterday is at hand. I was truly glad to hear from you and to receive the Sto. Domingo news. Halsey arrived yesterday P.M. He was an

⁵⁶ Diary, September 4, 1869.

⁵⁷ See Thornton's long dispatch to Lord Clarendon, Sept. 23, 1869; PRO, FO 5, 1162, No. 336 Confidential.

⁵⁸ Diary, September 25, 1869.

⁵⁹ Fish, Diary, November 8.

⁶⁰ Fabens Papers.

associate in the survey. I saw him this morning, before getting your note, and he telegraphed to Genl Porter to learn when you would return to Washington.

We want to see you here and interest you, in a *material* way, in our Survey Company. Halsey and I had gone over the ground before I got your letter. We are not satisfied with things as they are, and we desire to confer with you as to the further management. Please advise me by return mail if you can come and on what day, or if I must run over and see you. . . .

When do you move? I sincerely hope without delay, as every moment is precious in preserving the favorable situation in Sto. Dgo. Do not leave a stone unturned to obtain immediate action. The money can doubtless be had here if required.

The country will applaud the action of Genl Grant as a brilliant maneuver, and I trust and believe it will prove the bright beginning of a prosperous career for yourself in business life.

Will advise further with you about the *Bank*, and if anything is done you shall be *in*.

Fabens added that Prime & Hollister, promoters of the bank, had asked Henry Clews to become a director and perhaps president, but he wished further information. If Babcock would run up to New York and talk to Clews, "I will see that everything is made satisfactory to you." As for Rufus Ingalls, he had been a classmate of Grant's at West Point, and after service in the Mexican and Civil Wars, was now chief quartermaster in New York City. Here he frequently saw Fabens and O'Sullivan. They found him a valuable associate; Dana's *Sun* asserted that he had more influence over Grant than both houses of Congress combined.

A useful check might have been placed upon Babcock in Santo Domingo by our previous commercial agent there, J. Somers Smith, had he not been removed at just this juncture. Smith, a bluff, plain-spoken man of seventy, who had held the post for three years, enjoyed a considerable prestige in the island. He had been offended by Baez's unblushing nepotism and high-handed suppression of all criticism; he also knew Cazneau and Fabens at their true worth, and included sharp comments upon their ascendancy over Baez in his dispatch to Fish on September 2. In Major Perry, Grant had appointed just the sort of man who should not have been sent. He was an adventurer, a hot-headed rover of Rhode Island birth, who had enlisted in the war, had shot an officer but had been acquitted by courtmartial, had joined the Mexican forces against Maximilian, and had then served with Phil

Sheridan in Louisiana and Texas. He had asked Grant to make him a Federal Marshal in Western Texas,⁶¹ and would have been in his element twirling a six-shooter in some wild border town. But the President, who sometimes seems to have believed that any Union veteran could fill any post on earth, selected him without a qualm for a foreign appointment which required extraordinary tact, vigilance, and discretion.

Perry accepted with reluctance. While waiting for his ship in New York, he wrote Fish that he wished it had been another job.⁶² "I cannot be content with a position where nerve, activity, and energy is not required. Lt. General Sheridan can tell you this for I have been on some dangerous errands for him. I am ready to take my life in hand and serve the Government anywhere you may wish me. But while our Country is so embarrassed by political, speculating, and treacherous men, it does seem to me that my services, trifling as they are, might be employed to better advantage in the States." Apparently he little realized what political, speculating, and treacherous men might be found in the West Indies. He prepared to sign on the dotted line, as his instructions required.

In Santo Domingo, its climate delightful as autumn ended the rainy season, all went merry as a wedding bell. Babcock presented the treaty and convention as drafted by Fish; Fabens and Cazneau were much in evidence; state dinners were eaten and state wine drunk; and on November 29 the two instruments were signed. Perry asked some awkward questions as to the public debt, but when the Dominicans proved voluble but vague, he did not press the matter. As for the pending Hartmont loan in London, Baez explained that he expected to be able to cancel the transaction in the near future. The treaty called for the renunciation of Dominican independence, the admission of Dominicans to American citizenship, and a flat payment of \$1,500,000 to be applied to the public debt.⁶³ No further debts were to be incurred, and pending ratification, no further grants were to be made of public lands. Ultimately Santo Domingo was to become an American State. If not ratified by March 29, 1870, the treaty expired. The convention called for a fifty-year lease of the bay and peninsula of Samaná at an annual rental

⁶¹ Hatch Report.

⁶² October 14, 1869; Fish Papers.

⁶³ See Sen. Ex. Doc. No. 17, 41st Cong., 3d Sess., 98-192.

of \$150,000.⁶⁴ The first installment was to be paid with the signing of the document, and out of secret service funds, \$100,000 in cash and \$47,229.91 worth of arms and munitions were duly transferred to the Baez Government. It is not strange that Baez appeared in high good humor. He embarrassed Babcock by offering him a grant of land, but the Colonel saw that it would compromise the treaty, and with high self-abnegation refused.⁶⁵ Fabens and Cazneau doubtless saw glittering fortunes all about them, and caught visions of their statues, the Houston and Austin of a new State, adorning future public squares of an Americanized island.

Perry having meekly signed the treaties, Babcock and Ingalls boarded the *Albany* to return, stopping at Samaná Bay for a ceremonial raising of the American flag. Care of the leased area was entrusted to two enlisted soldiers and to Fabens. Babcock ordered Commander Bunce of the *Nantasket* to remain in Dominican waters to support the Baez Government and prevent Haitian intervention, with instructions that in the event of trouble, he was to use his own judgment.

By the middle of December, Babcock was once more strutting about the White House offices, twisting his waxed imperial and talking gaily of the beautiful Caribbean. The secret of his mission had been well kept. New York newspapers as yet had no certain knowledge of the treaty of annexation, and members of Congress were equally in the dark. The Cabinet had been pledged to silence upon annexation until the New Year, although its members were permitted to speak of the Samaná Bay Convention. Grant had prepared a dramatic surprise for the country!

⁶⁴ *Ibid.*

⁶⁵ Hatch Report, 49.

As Fish anticipated, Grant faced his first session of Congress with diminishing prestige. The hope of a new era had faded; it was already clear that in home affairs the Administration would be marked by no elevation of purpose, no broad new policies, not even by dignity and harmony. While politicians were complacent, the believers in reform—tariff reform, civil service reform, Southern reform, currency reform—all wore lugubrious faces. It had been said in March that Grant knew how to choose able lieutenants; in December men said that many of his appointments were the worst since Buchanan. It had been asserted that Grant knew how to lead. But Henry Adams now wrote,¹ "The President assumed at the outset that it was not his duty to steer; that his were only duties of discipline." The opposition press had grown caustic, while friendly journals were silent or made excuses. Charles A. Dana wrote at the beginning of summer that if the Republican Party had to choose again between placing Grant or Colfax in the White House, a large majority would turn to Colfax. "Grant," he added a little later,² "has already shown that he is destitute of high statesmanlike qualities, and in regard to leadership is but too often the willing instrument of charlatans and adventurers."

The inexperienced President, who sadly needed time and study to grapple with the nation's difficulties, had spent most of the summer travelling about the East. Nobody would have begrudged him a vacation, or a long quiet sojourn at Long Branch, where he might keep in touch with Washington. The White House was undergoing renovation. He perhaps felt, as every President should feel, that it was his duty to show himself to the people. But from early June until the end of September his arrival was constantly being heralded at some new spot. West Point and Boston in June; Long Branch and New York in July; in August his visit at Garrison, a trip into Pennsylvania, a tour from Newport and Providence into northern New England; in September

¹ In "The Session," *North American Review*, July, 1870.

² *N. Y. Sun*, August 4, 1869.

Saratoga, and after Rawlins' death, New York and Pennsylvania again. The nation caught many informal glimpses of the President—dancing clumsily at the West Point cadet hop; attending a G. A. R. clam-bake near Providence; going to Niblo's Garden in New York; playing croquet in the mountains of Pennsylvania. It liked his simplicity of attire—a black slabtailed frock coat and shiny black stovepipe hat—and plain manners. It smiled over the story of a clerk in Walker's fashionable restaurant in Washington, who, when the President on a hurried visit to the capitol requested a private room for breakfast, failed to recognize him, and said later: ³ "Why don't he come like a gentleman in a carriage, and not like an old shoemaker with his Sunday clothes on!" But it soon realized that he was no such hardworking President as Lincoln or Johnson.

Grant disappointed observers by his lack of social ease and grace, of which Mrs. Blaine gives a caustic picture; ⁴ by his dubious personal associates—it was distressing to read of Ben Butler in the White House, and the shoddy-contractor Tom Murphy on the President's train; by his willingness to receive gifts, and still more his readiness to reward the givers with office; and by his indifference to merit in appointments. Since he found his father postmaster at Covington, Ky., it was proper enough to keep him there. But his favors to the numerous Dents and to his brothers-in-law received unfavorable notice. J. Russell Jones, the uncultivated Galena friend who went to Brussels, became a favorite butt of opposition journals.⁵ It was a constant grief to Secretary Fish that he could not debar improper men from the foreign service; and Moran, after viewing disgustedly the first two appointees to visit the London legation, wrote that "if these are specimens of General Grant's consular officers, his corps will be the least respectable since the days of President Polk." The White House secretariat offered another subject for complaint. Besides the private secretary, Stephen A. Douglas' son Robert, and the assistant private secretary, James T. Ely, three "military secretaries"—Gen. Horace Porter, Gen. F. T. Dent, and Babcock, had desks. The mansion seemed full of uniforms.

³ N. Y. *Herald*, July 30, 1869.

⁴ *Letters of Mrs. James G. Blaine, I, passim.*

⁵ Especially the N. Y. *Sun* and *World*. Cf. Carl Schurz, *Reminiscences*, III, 308-310. The N. Y. *Tribune*, April 1, 1869, gives a long sketch of Jones. It says that "A warm friendship was formed by General Grant for Mr. Jones during their residence in Galena. A close personal and political sympathy has existed between them and Mr. Jones's house was always the General's home during his visits to Chicago."

Most important among these officers, as we have seen, was Babcock: handsome, ruddy-faced, with heavy auburn mustache, even white teeth shown in flashing smiles, and a debonair self-confidence. Only thirty-three when Grant became President, he had behind him a Vermont boyhood, four years at West Point, and a brilliant wartime career. Dropping the word "military" from his title, he soon became simply a secretary. He occupied an anteroom on the second floor leading into Grant's private office. Visitors to the President saw Babcock first, and frequently completed their business without going further. He opened the President's mail, and answered all letters save the most important. Very rapidly he became, as General Sherman commented, "a kind of intermediary between the people and the President"; he advised Grant constantly, for the President placed the utmost confidence in his judgment. His office was as important as any Cabinet position, and more powerful than most.⁶ At first Babcock was universally liked. But presently observers, among them Fish, began to distrust his sway over the simple Executive

Grant made the first of his many Cabinet changes in June, 1869, when the elderly Borie gave way at the Navy Department to George M. Robeson, Attorney-General of New Jersey. People who knew Robeson, a Princeton graduate and a lawyer in Jersey City, received the news with consternation. "Good gracious, my dear Ham," wrote John Kean to Fish,⁷ "who are Grant's advisers?" He went on to remark that Robeson was a first-rate judge of wines, a second-rate trout-fisherman, and a third-rate Jersey lawyer, with the implication that he would make a fourth-rate Secretary. He had once been engaged to a belle of a leading New Jersey family, "but they wouldn't allow the engagement on account of his being a little too *fast* for that tribe." The press was not complimentary. It was another of those mysterious acts of Grant's which nobody, least of all Grant himself, could explain. Robe-

⁶ Babcock, born at Franklin, Vt., in 1835, had graduated from West Point in 1861, and had served during the war on the staffs of General W. B. Franklin and (beginning in 1864) of Grant. His superiors, including Generals Barnard, Patterson, McClellan, and Grant, praised his efficiency, skill, and courage in the highest terms. Grant had employed him in a variety of difficult and dangerous tasks, finding him always dependable and often brilliant. He had married Miss Annie E. Campbell of Galena in 1866, this adding another personal bond with Grant. See *Dictionary of American Biography*; N. Y. World, April 14, 1869.

⁷ June 26, 1869; Fish Papers. Robeson was now forty. During the war he had helped organize the New Jersey troops, and had been appointed Attorney-General of the State in 1867. Borie was said to have suggested him for the Navy Department (*Nation*, July 1, 1869).

son, like Babcock, was good-looking, florid, jovial; a bachelor, he was gallant in his attentions to the ladies; previously poor, he soon displayed a surprising affluence.

Nor was the Cabinet strengthened by the appointment of General W. W. Belknap in October as Secretary of War. It is a good rule which keeps the War Department at most times under civilian control. The *Tribune* reported "great surprise" and "manifest disappointment" in Washington.⁸ Belknap was a typical army product. His father had been a lifelong soldier, fighting in the War of 1812 and Mexican War, while he—born at Hudson, N. Y., and educated at Princeton—had marched to the sea with Sherman, and been brevetted major-general in Savannah. Unquestionably Sherman's influence counted in his appointment, as did that of Babcock and of Don Cameron, a college mate at Princeton. The War Department maintained closer relations than any other with Southern affairs, and the most alarming aspect of Belknap's appointment was the fact that he was a favorite of the Radicals, who asserted that he would do just what they wished to keep Mississippi, Texas, and other States Republican.⁹ Grant had hesitated between Horace Porter and Belknap; he would have done well to choose the former.

I

But after all, some poor appointments are inevitable in a democracy; Lincoln himself made many. The nation, grateful for men like Fish, Rockwood Hoar, and Jacob D. Cox, did not criticize Grant severely for his bad nominations. It was his major blunders—the Black Friday affair, the unhappy Southern policy, the crude treatment of finance, the indifference to reform—which gradually cost the President dear.

Though much has been written upon the attempted gold-corner which culminated in "Black Friday," its essential significance in the history of the Administration has never been adequately pointed out. It harmed Grant in two ways: by showing that he was the willing associate of men notorious for financial trickery and legalized robbery, one of them also being of scabrous private life; and by demonstrating that

⁸ Except, it added, "the few army officers around the Executive Mansion and Army Headquarters who are personally acquainted with the new Secretary. . . ." Evidently there was a close bond between Babcock and Belknap from the beginning. We shall see to what it came.

⁹ N. Y. *Herald*, October 18, 1869.



THREE CABINET MEMBERS
Creswell, Belknap, Robeson

he and Secretary Boutwell failed to see through a fairly transparent conspiracy against the nation's economic stability, and dealt with it irresolutely and tardily. The general story has been told too often to need retelling. Briefly, Jay Gould, Abel Rathbone Corbin (who had married Grant's sister), and James Fisk, Jr.,¹⁰ formed a conspiracy in the summer of 1869 to corner the gold market in New York; they succeeded in drawing the new head of the New York sub-treasury, Gen. Daniel Butterfield, an old acquaintance of Gould's, into the plot; they tried unsuccessfully to draw Grant's secretary, Horace Porter, into it; they meanwhile attempted to learn Grant's policy as to the sale of government gold, and to control it; and when their preparations were complete and Grant was distant from the telegraph in Pennsylvania, they struck a blow which threw the financial world into confusion and ruined hundreds. Then, at the height of the crisis, Boutwell ordered the sale of government gold, broke the corner, and ended the panic.

Grant's lack of vigilance in dealing with these plotters was not more remarkable than the fact that he associated with such men at all. Fisk later declared that Gould and Corbin, long well acquainted, had originated the scheme.¹¹ "Why damn it! Old Corbin married into Grant's family for the purpose of working the thing in that direction. That's all he married for this last time. Corbin's next move was to secure his son-in-law's appointment to the sub-treasury of New York. His son-in-law Catherwood, you know. Ultimately Corbin got Catherwood to withdraw in favor of General Butterfield." Of course Grant could not help it that his sister married Corbin, a sly old wirepuller and speculator, long known in Washington and New York as a "lobby jobber"—an agent employed by various interests because of his pretended ability to influence legislation. In 1857, while clerk of the House Committee on Claims, he had been paid \$1,000 by high-tariff interests for using his special influence with House members, and had later been exposed by a select committee under Representative H. B. Stanton.¹² Grant knew nothing of the plan of Gould and Corbin to have the latter's son-in-law, Catherwood, appointed to a place in the Treasury system second in importance only to Boutwell's. Catherwood's name

¹⁰ See the author's sketches of Jay Gould and James Fisk, Jr., in the *Dictionary of American Biography*, with the authorities there given; also Rhodes, Oberholtzer, and Schouler. The two and a half column summary of the affair in the *N. Y. Tribune* for October 25, 1869 is especially illuminating.

¹¹ Interview in *N. Y. Herald*, October 8, 1869.

¹² House Committee Reports, 1857.

was never presented, for the young man honorably refused to act as Gould's accomplice.¹³ But the President did readily appoint Daniel Butterfield, who possessed no qualifications whatever for the Assistant-Treasurership, and who had been a friend of Gould for years.¹⁴ And Grant also tolerated the advances of Gould and Fisk—men detested for their Erie knaveries, their piratical raid of 1868 upon the credit market, and their bribery of legislators; the one a coldhearted financial manipulator, the other a clownish debauchee.

Why? The President, who was not poor, habitually accepted free service from owners of railway and steamboat lines. He went to Saratoga this summer on a special car furnished by Commodore Vanderbilt. On his Boston trip of June 15 he was a guest on Fisk's handsome Bristol Line boat, and he, Cyrus W. Field, and other prominent men were entertained at a sumptuous nine o'clock dinner by Gould and Fisk—the latter resplendent in his "admiral's" uniform of gold lace and silver stars. In August, travelling with his family and the Corbins by the Erie Railroad to Kane, Pa., he accepted the use of the directors' car; and before he left, Gould and Fisk came aboard to see that the party was comfortable. We may surmise that one reason why the President of the United States did not resent Fisk's impudent suggestion on the Sound steamer that he inform them of the government's future gold policy was because he was a beneficiary of Fisk's hospitality! He later explained to the Washington correspondent of the *Herald*:¹⁵ "I don't know but I should have felt insulted by such a proposal had it come from any other but a person like Fisk. But coming from a man so destitute of moral character, I didn't think it worth noticing." This must have left readers breathless. Why should the President of the United States associate with a man destitute of moral character? Why, above all, accept favors from him?

There were certain features of the Black Friday affair which puzzled the acutest editors and financiers of New York. Years later the Whiskey Ring investigations produced evidence that Babcock had played a direct part in the appointment of Butterfield. But this appointment still remains somewhat mysterious. According to Gould,

¹³ N. Y. *Herald*, October 7, 8, 9, 10, 1869; these issues being full of disclosures and comment on the Black Friday affair.

¹⁴ See Julia L. Butterworth, *A Biographical Memorial of General Daniel Butterworth*.

¹⁵ N. Y. *Herald*, October 25, 1870; part of a long interview which Grant gave the Washington correspondent. See N. Y. *Tribune*, October 4, 1870, for another interview with Grant on Black Friday.

Corbin told him that he had sufficient influence with the President to control the nomination of the Assistant-Treasurer.¹⁶ He and Corbin then decided upon Butterfield for the place. Gould met the President at Corbin's house in June, and recommended Butterfield, who was appointed. It was true that Butterfield had no experience of finance; but after gallant service in the war, he had been A. T. Stewart's chief associate in 1866 in raising the testimonial fund of \$105,000 which New York citizens presented to Grant. Given a tempting share in the conspiracy by the purchase of gold on his account, Butterfield remained in it until the end—an end which cost him money, office, and reputation. But just what rôle did he assume in it? Gould later told the *Sun* that he had furnished Treasury secrets to the conspirators, and perhaps he had. Grant on returning to Washington from Pennsylvania on Wednesday, September 23rd, at first took no steps to check the rising price of gold. On Friday morning, as the panic in New York mounted to a frenzied climax, Boutwell urged the sale of three millions in gold to break the combination; Grant suggested that he make it five millions; and the Secretary telegraphed the Sub-Treasury to sell four. There is evidence that Jay Gould gained secret fore-knowledge of the telegram to Butterfield announcing this sale of government gold.¹⁷ The *Times* stated afterwards that he had twenty-five minutes' leeway; that the conspirators had bought \$110,000,000 in gold, and used the 25 minutes to unload \$68,000,000 at figures varying from 137 to 157; and that the rest they sold at lower figures—escaping any real loss by repudiation. Some observers spoke of wire-tapping. Others thought that it was Butterfield who had been "tapped."¹⁸

Then, too, the part played by Boutwell was curious.¹⁹ He received the fullest warning of the conspiracy. He knew that Gould had talked with Grant in June of the importance of raising the price of gold to facilitate the sale of American grain on the European market in competition with wheat from India, Russia, and the Mediterranean. Gould's argument was that our grain had sold well during the years 1866, 1867, and 1868, when gold ranged from 141 to 166; but that gold having since fallen to 133 and 134, crop-movements would remain poor till

¹⁶ N. Y. *Tribune*, October 30, 1869. It is here stated, on Grant's authority, that Corbin had handled \$12,000 in two investments for Mrs. Grant.

¹⁷ N. Y. *Tribune*, October 26, 1869; N. Y. *Times*, October 18, 23, 24, 1869.

¹⁸ A mass of testimony on the Black Friday affair is offered in House Report No. 31, 41st Cong., 2nd sess.

¹⁹ Boutwell's own story is in his *Sixty Years of Public Affairs*, II, 160 ff.

it rose again.²⁰ Such talk should have made Boutwell suspicious. Boutwell knew also that a gold corner would prove all too easy. The New York banks this summer held only about \$14,000,000 in gold, not more than a million was kept in safes and tills, and importations from Europe would require time. On September 13 the *Tribune* uttered a solemn monition. In a double-leaded editorial Greeley stated that he had learned that "certain financiers" had conspired to purchase and lock up thirty millions in gold, "to compel those who must pay gold at the Custom House or elsewhere to buy of them at an exorbitant rate." (The plot was actually much graver.) He called on Boutwell to verify these facts; to sell gold and break up the nefarious conspiracy; and at the same time, by paying out greenbacks in the purchase of bonds, to dispel any accusation that he was making money tight. "We submit that his duty is plain and imperative." Boutwell visited New York, and talked with bankers. He knew, like all Wall Street, that the conspiracy was being matured. By editors, by financiers, by friends, he was entreated to act. But he had his own view—the view that perfect neutrality in stock-exchange matters was the only permissible course. He turned a deaf ear to petitioners, and went back to Washington leaving it understood that he would not interfere in the least with the imminent battle.

In this Boutwell was beyond question honest—and beyond question extremely unwise. Within ten days the crisis was upon him. Bankers' bills on Thursday the 23rd were offered without takers at 105½; merchants' bills were unsalable at any price. This meant that the foreign trade of the nation had come to a dead stop; that commodities offered for export could not be sold; that goods ready for shipment could not be shipped; that vessels half-laden received no more cargo; that clerks, warehousemen, stevedores, sailors, and the rest of the great army employed in our export trade were being thrown into idleness. It meant that the West was being warned to stop shipments to the coast, that prices were being unsettled, that uncertainty of the future was checking all business. When the crisis thus became intolerable, Boutwell intervened. His belated stroke seemed a dramatic rescue. "As the bells of Trinity pealed forth the hour of noon the gold on the indicator stood at 160. Just a moment later, and before the echoes died

²⁰ Gould gave a full statement of his crop theory in an interview in the *N. Y. Tribune*, October 1, 1869.

away, gold fell to 138"—so the *Herald's* account ran.²¹ But actually the damage had already been done, and had been felt, not metaphorically but literally, from the Mississippi to the Danube. Had Boutwell moved with decision to forestall the coup there need have been no damage whatever.

The opposition press, by immediately overstating the charges against Grant, aroused a reaction in his favor. Though Gould and Fisk threw out cowardly hints that he had been privy to the plot and had delayed action to protect Corbin, he had obviously been innocent of any knowledge of it. When he belatedly understood it, he supported Boutwell in crushing it. But reflective citizens did not forget that he had willingly consorted with two men whom most decent people avoided. He had appointed one of the most important officers of the Treasury Department without demanding any evidence of experience, or making due inquiries as to character. For several days, as a great national emergency threatened—an emergency of which he had been forewarned—he had been out of touch with the capital. Grant was a popular hero still, but a hero upon whom an ugly shadow had fallen.

II

Boutwell, who had never been a hero to anybody, was left in a more dubious position than ever. When he took office in March, 1869, he had faced more brilliant opportunities than had been offered to any Secretary of the Treasury since Hamilton. As a member of the distrusted Johnson Administration, his predecessor McCulloch had done ably; as member of a trusted Administration, Boutwell should have scored a triumph. Unfortunately, the Massachusetts politician knew little about finance. He evinced the narrowly practical outlook of a man who had read ledgers but not Adam Smith, who had studied newspapers but not the *Economist*. With a costly machinery at hand to furnish him any information which he might require, he never required any. Fish's diary shows that in Cabinet discussions he was unfailingly arid. He might have written his name large in American history by

²¹ September 25, 1869. Grant, in a letter of September 12 to Boutwell, written just as he left New York for Pennsylvania, and as the Secretary reached the city, warned him that he would find a contest between bulls and bears, and added: "I think, from the lights before me, I would move on without change until the present struggle is over." But this was not a hard and fast order. He asked for advice from Boutwell, and wrote that "you will have a better chance to judge than I."

reforming the currency—that is, by bringing the dollar back to gold parity—before the panic of 1873; by reforming the taxation system and reducing its burdens; and, in conjunction with John Sherman and other Congressional leaders, by effecting a prompt refunding of the debt at lower interest rates. He might not have ranked with a Turgot, Pitt, or Gallatin. But at the very least, as Henry Adams observed,²² he might have stood with Vansittart, who had carried financial England through the shocks of Elba and Waterloo, restored her to specie payments after twenty years of paper money, reduced by a single operation the interest on eight hundred million dollars of debt, and within a decade after the Napoleonic Wars raised the surplus to unprecedented levels.

Instead, the unimaginative Boutwell had but a single passion. The one idea that flowered in his Sahara mind was the reduction of the national debt.²³ To collect more and more revenue from the people, by no matter how hard, inequitable, and corrupt a tax system; to cut down expenses to the last penny; to garner the surplus into the Treasury; to use it month by month in buying government bonds and thus slowly diminishing the huge burden of national obligations—that was his conception of financial policy. To some extent it was not a bad policy. But when business was ready to pay 6 to 15 per cent for capital used in national development, when the government was able (as later refunding operations showed) to borrow at 4 or 5, it was assuredly unwise to use too large a share of the national income for debt-reduction. Moreover, to centre every effort upon reduction, to sacrifice to it internal-tax reform, tariff reform, currency reform, and early refunding measures, was a meagre and sterile conception of financial policy. Critics of the Treasury were constantly urged to look at Boutwell's economies and the lower figures for the national debt. Such figures persuaded many Republicans that his record was one of the Administration's proudest boasts. But the economics of his annual reports invited the ridicule of the financial press abroad; and all the while he was neglecting the broad fields in which labor was most urgent.

The hostility which Grant and Boutwell manifested toward tariff reform cost the Administration, as Fish knew, much popularity among thoughtful people. The Morrill Tariffs enacted during the war were

²² "The Session," *North American Review*, July, 1870.

²³ See the notable editorials on Boutwell's policy in the *Nation*, 1869–70.

both excessive and ill-planned. David A. Wells, Special Commissioner of Revenue, had repeatedly exposed their gross inequity and their encouragement to monopoly and extortion. Eastern consumers and Middle Western farmers were eager for a reduction. But Grant unexpectedly indicated in his first annual message that he had been converted to high-protection; Boutwell, representing the mills and factories of New England, strongly opposed a change; and the Ways and Means Committee was controlled by the high tariff interests. A bill, carefully constructed to lessen public complaint and yet to maintain and even enhance tariff rates wherever important special interests demanded them, emerged in the winter of 1869-70 with Administration backing. Gen. Robert C. Schenck was astonished by the opposition as he tried to force it through the House. It was fought, he said, "inch by inch, step by step, line by line." Opponents from the Northwest were reinforced by Easterners schooled in the low-tariff doctrines of Cobden and Mill, while such organs as *Harper's Weekly*, the *Springfield Republican*, the *Nation*, and Bryant's *Post* were filled with low-tariff editorials. Nevertheless, early in 1870 the bill passed. Though it reduced duties on several revenue articles—tea, coffee, wines, sugar—it actually made a very considerable increase on a number of protected articles; "indefensible exactions," says the historian of the tariff.²⁴ And by this time Grant had resolved not to reappoint that courageous critic of unjust rates, David A. Wells, to his Special Commissionership. He was too independent and expert to suit the politicians and their business masters.

Had the President pronounced in favor of a judicious revision downward, he would have earned much commendation from the liberals of the country—and would have performed a courageous and statesman-like act. But in tariff debates the special interests are always stronger than the national good, and to these special interests Grant yielded even more readily than Taft and Hoover did at later dates.

Most distressing of all to liberal and moderate observers was the Southern policy, so-called, of the President. When he was nominated, the vindictive course of Thaddeus Stevens, Ben Wade, and Sumner had fallen into general discredit; and many hoped that he had compressed a special significance into his words, "Let us have peace." His message to Congress on April 7, 1869, recommending that the people

²⁴ Taussig, *Tariff History of the United States*, 178 ff.

of Virginia and Mississippi be allowed to ratify their new Constitutions on terms which would permit the elimination of clauses discriminating against former Confederates, received hearty approval. The press applauded his gesture toward conciliation. Congress acted so rapidly that within three days Grant signed an Act which virtually relieved Virginia, Mississippi, and Texas from the necessity of disfranchising large groups active in the war. A new era seemed at last to have dawned. The New York *Tribune*, commending the President, predicted that he would soon urge Congress to pass a universal amnesty bill, and thus wipe away the last evidences of a punitive spirit. But from this dream of sectional reconciliation—a dream which Fish shared, for he had always wished the South treated leniently—men all too swiftly awoke.

A revolt by Radical politicians was inevitable. The very continuance of Republican ascendancy in Washington, as the election of 1868 had shown, might easily depend upon control of the Southern States.²⁵ Brother-politicians among the Carpetbaggers were calling lustily for help, and there were Northern votes in waving the bloody flag. July 13th witnessed a crucial Cabinet-meeting, which has passed strangely unnoticed by historians. Secretary Boutwell delivered a bitter argument against the Administration's recent steps toward supporting the Conservative Republicans in Mississippi, Virginia, and Texas—men whom he considered traitors to the party. The Conservatives, he declared, had never endorsed the platform upon which Grant was elected; they were ready at the first opportunity to join hands with the Democrats; and prominent Northern leaders were becoming alarmed over Grant's ill-considered generosity. Postmaster-General Creswell aggressively supported this attack. Fish, Hoar, and Rawlins (the last, a Douglas Democrat before the war, had never liked the Radicals) took the moderate point of view. But finally they all agreed that the elections in Mississippi and Texas should take place after the general fall elections, and as near the reassembling of Congress as possible—a decision pleasing to the Congressional Radicals.²⁶

²⁵ If Horatio Seymour could have carried the "Solid South" in 1868 he would have had 155 electoral votes to Grant's 162; C. H. Coleman, *The Election of 1868*, 363.

²⁶ Diary, July 13, 1869. The Washington correspondent of the *Tribune* wrote on the 13th that a full Cabinet meeting that day had discussed the Southern question. "It appears that several Cabinet officers are not pleased with the result in Virginia, and look upon the triumph of the Walker party rather as a defeat for the Administration than as a victory. These Cabinet officers have been in consultation on the subject with . . . Republican Senators and Representatives who are now here. . . ."

During the summer the Radical pressure upon Grant redoubled. Fish and Hoar were busy with other tasks, while their influence was that merely of individuals—they represented no party machines. The moderate press was asleep to the danger; the moderate voters were unorganized. But the Radicals attacked in battalions, and with the weight of the whole party mechanism behind them. Ben Butler, Zach Chandler, "Black Jack" Logan, Roscoe Conkling, Speaker Blaine, and other leaders stood for a rigorous control of the South. Before Grant left Washington in July a delegation of Radical Tennesseans called upon him with a plea for support. Radical Texans arrived on their heels, protesting that the party was in danger of losing the impending Senatorial election. The President was followed to Long Branch by Gen. Adalbert Ames, Carpetbag Governor of Mississippi, who besought him to stand by the hard-pressed Radicals in that State.²⁷ Other advocates of a policy of Federal interference in behalf of true-blue Republicans trailed him about the North, protesting at the hotel bills but losing no opportunity to gain his ear. He and Boutwell were bombarded with letters, some of which the latter published. Texas Republicans, for example, eloquently entreated Boutwell to protect them against the "so-called Conservatives, ex-rebels, Ku Klux Democrats, Knights of the White Camelia," and other "vermin."²⁸

The remarkable situation in Mississippi, which had been one of the most defiant of the Southern States, first made it evident that Grant was yielding. The Conservatives there foolishly prejudiced a good cause by nominating Judge Lewis Dent, Grant's Carpetbag brother-in-law, for governor. In July he called on Boutwell to ask for the influence of the Treasury Department, but was informed that nobody could have it who was not in full accord with the Chicago platform, the Fifteenth Amendment, and the Republican Party. Hot words were exchanged, and finally Boutwell told Dent to get out and mind his own business. At first the President seemed disposed to listen to Dent's argument that his Conservative faction represented the strongest element among the Mississippi Republicans. But the opposing influences proved too strong. On August 12 Grant permitted General John A. Tarbell, secretary of the State Committee, who had come north to buttonhole him, to publish an interview showing that the Administration had unreservedly endorsed the Radical cause in his State—indeed, in

²⁷ *N. Y. Herald*, July 27, 28, 1869.

²⁸ *N. Y. Tribune*, August, 20, 1869.

the whole South.²⁹ This dismayed the moderate press. What Grant should have done, obviously, was to remain neutral. He could not properly assist a brother-in-law in politics (though later he unblushingly did so in Louisiana), but he need not have thrown his influence against conciliation in the South. His course, as the *Herald* said, did not represent selfishness but foolishness. "He is simply the tool of the Radical politicians in the Cabinet and around him. He is inexperienced in the cunning and tortuous schemes of such politicians."

Just before Grant was entertained at Garrison, on August 1, he mailed Dent an emphatic rebuff.³⁰ "Dear Judge: I am so thoroughly satisfied in my own mind that the success of the so-called Conservative Party in Mississippi would result in the defeat of what I believe to be for the best interests of the State and country that I have determined to say so to you in writing. Of course, I know or believe that your intentions are good. . . . But as matters now look, I must throw the weight of my influence in favor of the party opposed to you." And just after Grant left Fish's house, Dent responded with a letter of protest. He also published a denunciatory letter to Boutwell.³¹ "You aim for the next Presidency. . . . As to the means of success you are ungrateful and utterly unscrupulous." He was meditating an attack upon Creswell. This public wrangling made an unhappy impression on the country, while Dent's blunt accusations strengthened the feeling that Grant was too pliable in Radical hands. Most thoughtful Northerners looked with approbation upon the Conservative victories in Virginia and Tennessee in the summer of 1869, as opening the way not only to sectional harmony but to a really well-rooted and permanent Republican organization in those States. Fish did so. But the Radicals resolved that these two first victories should be the last.

Even before Congress met on December 6, the Radical battle had been decisively won. In Southern affairs, the salient recommendation

²⁹ This interview took place at Fish's house, August 6, 1869. The *N. Y. Tribune* of August 12 said that, lasting an hour and a half, "most of it was carried on by the President himself." Grant said that the paucity of the Conservative or "National Republicans" made them mere tools of the Democrats, and that "It would not be difficult to tell who in the South were or had been friends of the Administration."

³⁰ Not given to the press until later; *N. Y. Tribune*, October 29, 1869. Dent's claim to be a citizen of Mississippi rested upon his occupancy in 1866 of an abandoned plantation in Coahoma County which, finding unprofitable, he left at the end of the year! *Harper's Weekly*, August 14, 1869.

³¹ *N. Y. Tribune*, August 18, 1869. After calling Boutwell a traitor, monomaniac, and fool trying to be "the Pope of the Republican Party," Dent concluded, "Yours respectfully."

of Grant's annual message was for a compulsory reformation of the Georgia Legislature.³² That body had shown the temerity to expel twenty-seven Negro members—some of them certainly corrupt and a majority incompetent—and to seat several whites who were ineligible under the Fourteenth Amendment. Appropriate legislation was hurried through Congress. At the same time, Congress refused representations to Virginia, Mississippi, and Texas until they met certain harsh "fundamental conditions." The so-called Mississippi Bill brought a crash of attacks on the South from the Senate Radicals. Carpenter and Lyman Trumbull advocated a moderate policy. But Oliver P. Morton, half-paralyzed below the waist, supporting his broad chest and massive head by a standard fixed to his desk as he assailed "traitors"; Richard Yates, declaring he would nip the re-blossoming of Calhounism in the bud; Drake, reiterating his disbelief in Southern loyalty; and Sumner, pleading for the Negro, all spoke for stern conditions. Their spirit was of the law, not the gospels. The vote was taken, and Mississippi was readmitted to the Union manacled by strict provisos to safeguard the place of the Negro in its civic and social life. So with Virginia and Texas. Grant willingly signed the bills. He had come over to the side of the Radicals, who meant to pay scant attention to State Rights.

There remained the question of general amnesty. Fish's diary reveals that at first Grant thought of making a courageous recommendation. On March 15, 1870, he read the Cabinet a draft-message which he proposed sending to Congress with the proclamation announcing the adoption of the Fifteenth Amendment, and which recommended a general amnesty and pardon to all former Confederates. Boutwell, Robeson, and Fish objected to the word "pardon." Fish also raised the question whether those who had left Congress to join the South, and the higher military and naval officers, should not be excepted. The general opinion was against exceptions. Boutwell suggested that amnesty be extended to everyone who by some affirmative act should declare himself ready to accept it and resolved thereafter to abide by the laws; "and this," Fish writes, "was the conclusion to which all finally arrived."³³ But the Radicals in Congress stayed Grant's hand even here. The message was never sent. A universal amnesty was indefinitely postponed. To believers in sectional reconciliation this was another blow at Grant's prestige.

³² Richardson, *Messages and Papers*, VII.

³³ Diary, March 15, 1870.

Yet Grant's Southern policy, as Fish knew, did not really placate Sumner. The Senator's distrust had been aroused by the President's first generous gesture. In these months—the fact had its bearing later on Haiti and Santo Domingo—Sumner's enthusiasm for the Negro had been raised to a new fervor by the appearance of Hiram K. Revels in Jefferson Davis' former seat in the Senate. "Do you remember," Francis Gillette wrote Sumner,³⁴ "how we once talked in the Senate Chamber with the late Sam Houston, and intimated to him that perhaps ere long Negroes would sit in the Senate? And how the old man, *vultus instantis tyranni*, grew red with passion and raved and swore at the suggestion?" Revels, who had received some schooling in Indiana and Illinois and had been pastor of a Negro church in Baltimore, delivered his maiden speech to the Senate this winter. In Sumner's papers is the pathetically illiterate note he sent to the statesman who assiduously coached him for that and other efforts:³⁵

My friend Senator Sumner, I think that I will deliver my speech on tomorrow, unless you advise me not to do so. My reason for being disposed to do so is—the papers this morning bear intelligence to that effect to the people. I will be pleased to have you fix the hour when tonight, I shall at your house, put my manuscript in your hands for criticism and also read it in your hearing. Your sincere friend, H. K. Revels.

III

In foreign affairs Fish hoped for a quiet session—though he knew that a storm over Cuba was almost certain. As an initial precaution, it was important to control the statements on foreign relations in Grant's message. For this purpose he handed the President on November 22 a confidential abstract upon the international situation, and several days later presented a number of paragraphs expressly written for inclusion in the message.³⁶ They dealt with British relations; Spanish relations and the captured American ships *Lizzie Major* and *Mary Lowell*; Cuban belligerency; the position of European colonial possessions in the New World; naturalization; and the North German proposals for an emigrant-passenger convention. Grant adopted these paragraphs entire. Not only this, but after a conference at the White

³⁴ March 8, 1870; Sumner Papers.

³⁶ Diary, November 22, 26, 1869.

³⁵ No date; Sumner Papers.

House he modified certain passages upon foreign affairs which he had himself written. The President was particularly pleased with the matter which Fish presented upon Cuban belligerency and colonial possessions, saying that the latter paragraph would be "an advance upon the Monroe Doctrine, the natural growth of 46 or 47 years."³⁷

But Grant was always incalculable. Just as Fish was congratulating himself that the message would be entirely safe upon foreign relations, Badeau arrived from the White House with the alarming news that the President had inserted long extracts from Fish's confidential abstract. This contained data that had been meant for the President alone. What could be done? Any interference with Grant must be tactful. Happily, at that moment word arrived from Sickles that the Spanish Government had determined upon important Puerto Rican reforms: local self-government, increased liberty of speech and publication, abolition of color distinctions, impartial suffrage, the establishment of public schools, and the gradual abolition of slavery. On November 28, therefore, Fish made Sickles' dispatch the excuse for pointed inquiries of Grant regarding the message. Had he seen all of the section relating to foreign affairs? Rather sheepishly, Grant confessed that he had placed additional matter in the message, taking it from the abstract. "I have generally copied the very language," he remarked.³⁸ "The abstract, Mr. President," said Fish rebukingly, "was intended only for your own information, and in my opinion it would not be appropriate for your communication." Rockwood Hoar supported this, remarking that the annual message to Congress should be written in general terms, and should not enter into detailed particulars upon departmental business unless they were imperatively required.

"Well," said Grant apologetically, "I can very easily strike it out. What I have thus copied makes only several pages of my writing, anyway. And I intend to read the message to the Cabinet tomorrow throughout."

As he did strike out the objectionable passages, the printed draft contained nothing on Cuban affairs except the paragraphs from Fish's hand. They stated bluntly that the rebellion had not yet achieved results which justified American recognition of Cuban belligerency. But they also hinted at the possibility of future action:³⁹

³⁷ Diary, November 27, 1869.

³⁸ Diary, November 28, 1869.

³⁹ Richardson, *Messages and Papers*, VII, 31.

Our course should always be in conformity with strict justice and law international and local. . . . The people and Government of the United States entertain the same warm feelings and sympathies for the people of Cuba in their pending struggle that they manifested throughout the previous struggles between Spain and her former colonies in behalf of the latter. But the contest has at no time assumed the conditions which amounted to a war in the sense of international law, or which would show the existence of a *de facto* political organization of the insurgents sufficient to justify a recognition of belligerency.

The principle is maintained, however, that this nation is its own judge when to accord the rights of belligerency, either to a people struggling to free themselves from a government they believe to be oppressive, or to independent nations at war with each other.

This statement accompanied the important deliverance upon colonial relations. Fish wrote, and Grant declared, that all the European Powers would "in due time" find it to their interest to make their New World colonies independent. "When the present relation of colonies ceases, they are to become independent powers, exercising the right of choice and self-control in the determination of their future condition and relations with other powers."

In controlling the President's statements upon the *Alabama* question, Fish showed similar firmness and tact. His aim all autumn, as we have seen, had been to invite reasonable British advances and keep Grant in a receptive mood, while restraining the Senate from demagogic meddling. His preoccupation with the two former objects comes out clearly in a diary entry for November 9:

Cabinet; all present. Nothing done except conversation on *Alabama* Claims. President expresses opinion that we might say that we prefer waiting a year or so for settlement; alludes to the possibility of England quitting Canada, when we should be satisfied with payment of actual losses, and a settlement of "maritime neutrality law." I mention the condition of the question: Motley's presentation of my dispatch, Clarendon's reception of it, and the communications made to me by Thornton, and express the opinion that we had better not propose any delay, but leave the question as it stands, viz., on our declared willingness to negotiate whenever England makes a proposition, or signifies a desire to negotiate.

Thus boldly did he cross swords with the President on the question of delay. Another vigorous exchange, as we have seen, occurred at the Cabinet meeting of November 26, when he argued with Grant at more length. The President spoke of leaving the Claims open until Great

Britain was ready to give up Canada. Fish, supported by Hoar (it is interesting to note how uniformly they stood together), held that this would be an error—that England was willing to part with Canada when the Canadians requested it, but not a day earlier, and that she would never cede her Provinces as a satisfaction for any claim. Grant was half-convinced. “If that be so, I would be willing to settle at once.”⁴⁰ Doubtless several conversations of this kind took place. Fish could argue that it was never the British way to yield to pressure; that the threatening speeches of Zach Chandler and Ben Butler had only irritated the Canadians; and that a friendly settlement of the Claims would do more than anything else to bring Canada into the Union. We must woo the Provinces. Unfortunately, in the message Grant came out against reciprocity.

Fish's concurrent efforts to prevent Senatorial meddling are reflected in a significant letter to Sumner. He mentioned Thornton's recent inquiry as to the probable American demands. “I answered somewhat vaguely,” he assured Sumner,⁴¹ “but he evidently wished (and as I thought has been instructed), to obtain something more definite—which I was not willing to give until I could have the opportunity of consulting with you to know what your Committee and the Senate will agree to. When will you be here? Will you either note what you think will be sufficient to meet the views of the Senate and of the country, or will you formulate such a proposition? Let me hear from you as soon as you can, and I should like to confer with you at the earliest convenient time.” The line here taken is evident: the State Department was hard at work, it would keep in close touch with the Senate, and rash steps must be avoided.

In consequence, when Congress opened on December 6 the *Alabama* Claims were kept safely in the background. The comment which Fish inserted in the President's message was brief and colorless. After reviewing the Johnson-Clarendon Convention and its fate, Grant merely expressed a hope that the time would soon arrive when the two governments could approach a solution of the momentous question with determination to remove the causes of complaint, and to lay a broad foundation of public law for the prevention of future differences. The Senate accepted this as sufficient. No threatening speeches were made; no bellicose interviews were given out. In the Foreign Relations Com-

⁴⁰ Diary, November 26, 1869.

⁴¹ Pierce, *Sumner*, IV, 414, 415.

mittee the seat vacated by Fessenden's death was allotted, at Sumner's instance, to the temperamental Carl Schurz. But the other members, Cameron, Harlan, Morton, Patterson, and Casserly, were judicious men, anxious not to offend the Administration. The Senate turned to more pressing matters. Clarendon had sent only a brief and mild reply (November 6) to the Fish-Cushing note—though he added a long argumentative paper of "Observations." Relations with England could be termed fairly satisfactory.

Fish and Thornton kept on the happiest terms, while both Congress and Cabinet showed more interest during the early winter in Canadian reciprocity than in Canadian annexation. A rebellion had just broken out in the Red River Valley, or what is now Manitoba. Here the new Dominion had just purchased all the territories held by the Hudson's Bay Company, and had sent out surveyors and administrators without taking due care to gain the good will of the people; with the result that the half-breeds under Louis Riel rose in arms. Though this seemed adapted to whet the appetite of American annexationists, at first little was heard from them. Fish's diary showed how placidly the Anglo-American current now flowed:

November 25, 1869.—Thornton . . . inquires whether the President will allude to the Alabama matters in his message. I think it probable; cannot say positively, but think there will be some reference holding up our side of the question, but in a spirit of kindness. He hopes the recent correspondence will not be published without giving him some notice. . . . Asks if I have read Clarendon's reply, etc., to my No. 70. I have. Hopes I do not find anything objectionable. No, the general tone is friendly, and although I do not assent to some of the criticisms on my dispatch, or the facts stated, I do not think them of a nature to require a reply at present.

December 9, 1869.—Mr. Thornton has nothing particular to say but wishes to express his satisfaction with what the President has said in his message. "Of course he has his views, which are not entirely ours, but the manner and tone in which they are presented is entirely satisfactory, and in the spirit in which alone we can hope to reach a solution. . . ."

December 16, 1869.—Mr. Thornton asks if there be any idea of a negotiation with Canada. I reply that I cannot as yet see much; that a reciprocal interchange of natural products, free of duty, appears wholly impracticable, but there is much desire expressed for some arrangement that will continue and promote a free interchange, and commercial relations between the countries. The difficulty is in concentrating different views and interests.

December 17, 1869.—Cabinet. . . . The troubles in the Red River or Winnipeg district of the British Dominion came up incidentally. Secretary of War read the abstract of papers sent to his department; some arms and muni-

tions belonging to the Canadians are stored at the Hudson's Bay Company's station at —— in Minnesota; that the Canadian authorities, apprehensive of a forcible attack from the British province upon these stores had applied for protection to have them removed to Fort —— and there protected. General Sheridan had endorsed the papers, adverse to giving any protection to arms and munitions belonging to Canada. It seems these arms, etc. were stored on our territory before the troubles began. Hoar, Robeson, Cox and myself were decidedly of the opinion that we are to give them all the protection we would give or are bound to give to the property, of whatever nature, of any persons, whether citizen or alien, within our territory. . . . The President thus decides.

December 21, 1869.—Messrs. Garfield, Ingersoll, Stevenson, J. V. Smith, Lawrence, Winans, and Donn Piatt called, as a committee representing Western interests, to inquire the condition of the negotiations, if any, with Canada respecting trade, etc.

I state that the resolution of the House of Representatives of last session was understood by the Canadians to relate to a renewal of a reciprocity trade treaty; they had indirectly, through General Cushing early in the summer, proposed to come here to negotiate. I had not understood the resolution in the same light and had dissuaded their coming at that time. That Mr. Rose came here on the business of the Hudson Bay, etc., Convention, and had had several conversations with me on the subject—nothing agreed to; he handed me confidentially a proposed or suggested basis of terms. I declined considering the subject without consulting with the committees of Congress, especially Ways and Means. Recently Sir John Young, in the like indirect way, had proposed to come on to negotiate, but I had again dissuaded (him). . . .

State what I understand to be the political relations of the Maritime Provinces, the result of recent elections, returning a majority in New Brunswick of 21 to 28 opposed to the Confederation: a growing feeling in favor of annexation or at least of independence; the pressure of the existing commercial relations is increasing the feeling for annexation. England is believed willing to allow the Provinces to separate from the mother country. Mr. Winans (I think) says he found such disposition prevalent in England during the last year.

Mr. Garfield says it costs the West one bushel of wheat to put one in New York, and greater facilities are essential. Mr. Piatt says the West prefers greater trade facilities to annexation; Mr. Lawrence that the present state of things is making the West entirely in favor of free trade. Suggested that Congress will lessen the duty on lumber, salt, and coal. I suggest that a reduction of duty on fish is what the Maritime Provinces also want. They think this can be done.

In reply to their question what the Administration would be willing to do, I reply that while we wish not to retard the advancing feeling in favor of annexation, the Administration desires to be guided in arranging the commercial relations by the wishes of Congress. If the committee will call again I will endeavor to have the general terms suggested by Mr. Rose, to submit to them.

The Red River disorders might under different circumstances have aroused a Western demand for this rich territory similar to that of the war-hawks in 1812 for Ontario. But our Western farmers did not want more wheat land; they wanted higher prices for wheat! And it was increasingly evident that most Canadians did not wish to be annexed. Fish and Thornton discussed the subject on December 23. The British Minister again intimated a wish that the State Department should indicate terms on which the United States would settle the *Alabama* Claims, and Fish again declined. Thornton then turned to the possibility of an Irish-Fenian invasion of Canada that winter.

"Well," interrupted Fish,⁴² "why not withdraw entirely from Canada and remove the pretext for these Fenian threats? At the same time we can settle the *Alabama* Claims immediately."

"Oh," rejoined Thornton, "you know that we cannot withdraw. The Canadians find great fault with me for saying as openly as I do that we are ready to let them go whenever they wish, and declare they do not desire it." He added that when his secretary of legation was recently in Montreal, he had inquired into the popular feeling, and learned that scarcely anybody favored annexation.

"If so, his information comes from very different sources than ours," said Fish. "My information is that with the exception of the government officials, bankers, and some few wealthy families, there is a heavy preponderance of sentiment in favor of separation from Great Britain." He referred to the Canadians residing in the United States, said to aggregate nearly half a million; the steady influx of French Canadians and other laborers and mechanics; the resultant growth of Catholic churches in New England; and the other links between Canada and the States. "Their elections are not true expression of sentiment on the subject," he protested, "for the bankers and wealthy employers overawe the humbler population." But in this Fish spoke with little real knowledge or conviction.

On December 23, 1869, Fish, in response to a resolution by Sumner, made public the official correspondence on the *Alabama* Claims.⁴³ The

⁴² Diary, December 23, 1869.

⁴³ The N. Y. *Tribune* gave the correspondence in full on the 23rd, with editorial praise for the Secretary: "Both in his Cuban and English correspondence Mr. Fish has shown a steady ability which the admirers of serpentine and sanguinary statesmanship will have occasion to acknowledge. No point in the case of our claims has been omitted by him." Despite a warm protest by Thornton on December 21, Fish did not publish the argumentative "Observations" Clarendon had sent with his last note. He regarded this paper as unofficial, for it bore no signature or date; and he wished an end of argument.

press of course gave alert attention to his September note (that drafted by Caleb Cushing) to Clarendon; and it was clear that his concessions to Sumner in this document had been more than wise—that they had been indispensable. For this note completely disarmed the troublemakers at home. All American editors agreed that he had presented the case with adequate emphasis and great ability. England paid less attention to the correspondence, though “Historicus” (Vernon Harcourt) briskly attacked Fish in the London *Times*. There was no need for Senators to lift their organ voices, and for the moment none did so.⁴⁴

IV

Fish could feel comparatively safe upon British relations; but it was the Congressional antagonism to Madrid that he chiefly feared. The Spanish storm which followed so hard upon Sickles’ note of September 3 had left ruffled feelings on both sides of the Atlantic.

The State Department soon learned the inner history of this storm. Most of the responsibility rested, as we have seen, upon the royalist press. But some of it was attributable to Sr. Bercerra, acting head of the Foreign Office after Sr. Silvela went with Prim to Vichy. He was bitterly antagonistic to the surrender of Cuba, and largely ignorant of the previous negotiations between Prim and the State Department; on seeing the note he therefore flared up angrily. Indeed, it aroused such resentment in the Cabinet that two members urged an immediate rupture of relations with the United States—or so Sickles heard. They wished to appeal to the European Powers for support. When the indignant Bercerra let a garbled version of the note leak out and Spanish excitement rose to fever heat, Sickles took alarm. He hurriedly requested Paul Forbes, then in France, to call upon Prim at Vichy, and reassure him as to the friendly and unselfish motives of the American Government. Prim in turn took alarm, and as soon as his health permitted hastened back to Madrid. Once there, he made every effort to quiet the popular irritation. But he and Silvela let it be known that, with all regard for America, they deemed Fish’s conditions impossible. The American proposals were then formally withdrawn.⁴⁵

⁴⁴ See N. Y. *Herald, Tribune*, January 1, 2, 1870, for summaries of English opinion. The *Spectator* remarked that Fish’s notes were better than Seward’s, having no buncombe or flourishes, but that there was too much undignified and sentimental complaint instead of a close adherence to legal questions.

⁴⁵ Sickles to Fish, September 14, 1869; Fish Papers. Cf. Chadwick, *Relations of the United States With Spain* (Diplomatic), 299 ff.

Indeed, the American offer to assist in the purchase of Cuba died utterly and forever. The Spanish people, always proud and often hot-headed, had worked themselves into an utterly intransigent temper. Sr. Bercerra told Sickles bluntly that the Government could not negotiate with the United States or any other nation upon Cuban affairs, which were strictly a part of its internal administration and policy. General Prim sadly assured the Minister that nothing could be done but wait a year or two, until public opinion in Spain became calmer; while Sr. Ribero, president of the Cortes and perhaps the most influential of all the revolutionary leaders, said that the United States must simply take its hands off. "He assured me," Sickles wrote Fish,⁴⁶ "he would denounce the inhuman character of the war, and procure for Cuba not only all the liberties Spain enjoys but even more; yet all depended for success in his judgment upon the withdrawal of our proposed mediation and this he begged might be done before the meeting of the Cortes on the 1st of October. He, however, expressed himself heartily in favor of all we had said in regard to the atrocious conduct of the war and the oppressive rule that had prevailed in Cuba." With feeling in Madrid still high, Prim turned back to the urgent task of finding a monarch.

Irritation in the United States during the autumn almost matched the indignation in Spain. Fish himself was disgusted by the Spanish folly in rejecting the opportunity to sell Cuba. How great that folly was Spaniards could realize twenty-eight years later, when Sampson's shells left the flower of the Spanish navy a row of blazing hulks on the Cuban shore. While Fish tried to make the best of the situation—while he let it be known that he thought Spain was mastering the revolt, and held Grant's message to a non-committal comment—he knew that the interventionists now contemplated a stern effort. Ben Butler had come out in October with fresh charges of Administration timidity and vacillation. The *Sun* that month had printed what it alleged to be one of Rawlins' last remarks: "If things are to go on in this way, it would be better to have elected Horatio Seymour." When Grant's paragraphs on Cuba were read, most Republicans in Congress expressed strong disapproval. Fish took comfort in Sumner's attitude, for the Senator

⁴⁶ Sickles to Fish, September 14, 1869; Fish Papers. Cf. House Exec. Doc. 160, 41st Cong., 2d Sess.

still resolutely opposed recognition of Cuban belligerency. But he nevertheless trembled for what the spring of 1870 might bring forth.

V

How little Congress was to be trusted became evident when early in 1870 it fell upon most of the President's proposals and reduced them to mincemeat. No one who knew the Senate in those days ever thought Fish too timorous of it. Henry Adams was soon writing in *Democracy* of government "of the people, by the people, for the Senate." That august body, while Grant was still in the dazzling midday blaze of his fame, had defied him upon the tenure of office question. Now, taking his policies one by one, it tore them to tatters or ignored them. Sumner, Morton, and other die-hards made it clear that they and they only, with their Radical brethren in the House, were to dictate the terms on which the conquered South should live. Conkling headed an attack upon the Census Bill. John Sherman contemptuously waved aside Boutwell's feeble requests upon financial questions.

Most horrifying of all was the Senate's rejection of the admirable Rockwood Hoar for the Supreme Court, to which Grant nominated him as soon as Congress convened. The most distinguished of Massachusetts jurists, a powerful Attorney-General, he would have added lustre to the tribunal; he would, indeed, have made an excellent Chief Justice when Chase subsequently resigned. Grant simultaneously nominated Edwin M. Stanton to the Court, for two vacancies existed; the parietic Justice Grier having resigned when his colleagues took the unprecedented step of informing him that he was no longer fit, and Congress having raised the number of justices from eight to nine. Hoar's departure would greatly weaken the Cabinet. The President had half-way decided to appoint Edwards Pierrepont, Federal Attorney in New York, in his stead; and Fish, who had long known Pierrepont, regarded him as over-ambitious and lacking in steady judgment. But the Supreme Court would be strengthened.

Few dreamed, when the appointment was first discussed, that the Senate would balk at it. As Fish's diary shows, the only question which disturbed Grant was whether there ought to be two New Yorkers in

the Cabinet. Grant and Fish talked of the subject on November 3, 1869:⁴⁷

The President . . . asked my opinion about it, and alluded to the possible objection of having two persons from the same State in the Cabinet, which he said he did not regard as objectionable—that General Washington had two from Virginia, as had Mr. Tyler, and Mr. Johnson two from Ohio. I expressed a favorable opinion of Pierrepont—mentioned my impression that he wished an appointment on the Supreme Court bench, and stated that if it be an objection to having two from the same State, or if any opposition or assault upon the appointment or upon the Administration were made on that account, or if at any time from any cause it became desirable to have a vacancy, I was perfectly ready to retire. Before completing these remarks he interrupted me, most kindly saying: “Don’t speak or think of that; your presence in the Cabinet and the association with you, is to me the greatest possible comfort. I can’t think of your quitting.” I completed the observations above, saying that as the opportunity now offered I wished to place him at perfect liberty and to know my entire readiness, in case any political event or other contingency should arise, which may make any change either desirable or expedient. He repeated that he would not contemplate anything that might lead to such a result.

He added that there was no vacancy upon the Supreme Bench to which Pierrepont could be appointed while Judge Nelson remained on the bench; that he would not wish to appoint two justices of that court from the same State. He then added that he had not spoken to any person about Pierrepont, and had not so completely determined his course as not to be at liberty in his own mind to change it; but that at present he thought he would appoint him. Alluded to the desirability of making an appointment from the South or West, but there was difficulty in selecting a person. Mr. Sawyer of California might do, but he did not know him personally.

Hoar, after some hesitation over the low salary (\$6,000), accepted the nomination. But the Senate showed a black hostility to him. For ten months he had stood adamant against the spoilsmen. In especial, he had staunchly insisted, when nine new circuit judgeships were created, that they be filled by men of the highest character and experience. His impatience with fools and rogues had made enemies on all hands. As Simon Cameron remarked,⁴⁸ “What could you expect for a man who snubbed seventy Senators?” Southern Senators of both

⁴⁷ Diary, November 3, 1869. Grant said he might yet change his mind about Pierrepont. He would prefer a Westerner or Southerner but it was hard to find a fit man. In the end, as we shall see, he appointed as Attorney-General first a Southerner and then a Westerner—neither fit for the office.

⁴⁸ Storey and Emerson, *Rockwood Hoar*, 197.

parties opposed him because he was not a resident of the circuit over which he would preside, demanding a jurist from their own section. The dictatorial Edmunds of Vermont, believed by shrewd observers to be the chief architect of Hoar's defeat, adopted this objection.⁴⁹ When he sardonically told Hoar that he could easily be confirmed by promising to live in the South, Hoar responded that he would not move across the street for such a reason. Zach Chandler was another prominent opponent. The Radicals, obviously, disliked Hoar's opinions on the South, just as the jingoes detested his calm views on Cuba. In the end the Senate made an exuberant demonstration of its power. It confirmed Stanton with enthusiasm; at the same time it contemptuously held up Hoar's name. Fish and Cox indignantly insisted that Grant must not withdraw the nomination, but force a yea and nay vote. In January the vote came—an emphatic rejection. The Senate leaders had served notice that none but men of their own type need apply for a Supreme Court seat, humiliated the Attorney-General, and rebuffed the President. The event marked better than any other of the session Grant's declining prestige, and the undiminished aggressiveness of Congress.

In nominating Hoar, the President had refrained from playing politics with the court; but in his next nominations he mingled politics with constitutional law as many other Presidents have done. The death of Stanton four days after his confirmation on December 20, 1869, left two places still to be filled. On February 7, 1870, the seven justices by a vote of four to three declared the Legal Tender Act of 1862 unconstitutional as applied to debts contracted before its passage. If the decision stood, such debts must be paid in gold or silver, not greenbacks. Many Eastern conservatives rejoiced. "It means," said the *Tribune*, "a speedy resumption of specie payments. Stand from under!" But in Congress the general sentiment was hostile to the decision. The greenbacks had done good service during the war; the country still needed them; their legal-tender quality should not be impaired—so the general verdict ran. Grant shared this view. So did Rockwood Hoar, who held that the decision was not good law, nor good reason, nor safe doctrine for a nation which might again need emergency issues of paper currency.⁵⁰ The question of the two vacant seats at once became con-

⁴⁹ Cf. George Frisbie Hoar, *Autobiography*, II, 77.

⁵⁰ For opinion of the decision, see *N. Y. Times, Tribune*, February 8, 1870; Charles Warren, *The Supreme Court in United States History* (1926 ed.), II, 525, 526.

nected with the question of a reargument.

On the very day the decision was handed down, Grant nominated as new justices William Strong of Pennsylvania, and Joseph P. Bradley of New Jersey. The *Tribune's* Washington correspondent at once wrote that both nominations were being closely scrutinized by the Senate with an eye to the legal tender decision.⁵¹ "That decision has stirred up the more Radical members of the Republican Party in Congress, and especially in the Senate, and they demand that the President shall appoint to the Supreme Court none but men about whom there is not the shadow of a doubt." They were promptly confirmed. On March 31 Attorney-General Hoar, facing the bench on which nine men now sat, moved for a rehearing of the legal tender case. In due time (May 1, 1871), a new decision, five to four, upheld the constitutionality of the Legal Tender Acts. At once, and inevitably, Grant was accused of having packed the court in order to obtain this politically-popular decision.⁵²

To say that he "packed" the court is to use too strong a term; he exacted no pledge or expression of opinion from his nominees; but he did take care to fill the two vacancies with men whose views accorded with his own and those of the Congressional majority. Rockwood Hoar in 1876 made a heated denial that he had ever advised Grant to pack the bench, and this denial must be accepted; his probity was absolute, and his memory clear. But Grant admitted to Fish that he had chosen the two justices not merely because he was convinced of their fitness, but because he believed they would sustain the Legal Tender Acts. When Fish suggested that the President might say something in support of Hoar's statement, the President demurred; on that subject, he remarked,⁵³

it would be difficult for him to make a statement; that although he required no declaration from Judges Strong and Bradley on the constitutionality of the Legal Tender Act, he knew Judge Strong had on the bench in Pennsylvania given a decision sustaining its constitutionality, and he had reason to believe Judge Bradley's opinion tended in the same direction; that at the time he felt it important that the constitutionality of the law should be sustained, and

⁵¹ N. Y. *Tribune*, *World*, February 8, 1870.

⁵² Henry Adams wrote in July (*op. cit.*): "Authority above any ordinary doubt further asserted, on direct information from the White House, that neither Judge Bradley nor Judge Strong would have been nominated to the bench had it been supposed that either of them favored the legal-tender decision."

⁵³ Diary, October 28, 1876.

while he would do nothing to exact anything like a pledge or expression of opinion from the parties he might appoint to the bench, he had desired that the constitutionality should be sustained by the Supreme Court; that he believed such had been the opinion of all his Cabinet at the time.

Justice Bradley was, as the *Tribune* said, "a sound Republican, and sufficiently Radical for even the most Radical Senators." Judge Strong was likewise a Radical Republican, of proved sternness on all war and post-war question. His supporters, when his name came up for confirmation, argued that it would be impossible to exaggerate his services during the conflict as a member of the Pennsylvania Supreme Court. When a majority of that court held the draft law unconstitutional, his dissenting opinion had convinced many of its soundness; and when a change occurred in the personnel of the bench he had been quick to obtain a reversal. They added that he had been among the first judges in the country to affirm the constitutionality of the Legal Tender Act and apply it to previous indebtedness—his reasoning being almost identical with that of the Supreme Court minority.⁵⁴ It is evident that Grant knew what he was about, and was responding to Congressional sentiment when he selected these men.⁵⁵

Altogether, the session of 1869–70 showed Grant making far from a strong record. He had said in his inaugural that he would have "no policy to enforce against the will of the people." But a President's greatest task is to enforce the will of the people against the politicians and special interests, and to do this requires qualities which Grant did not possess. He had been frightened by the Black Friday affair, in which he brushed the skirts of disaster. He had been confused by the brutal handling that the Radicals gave his first Reconstruction proposals, and Attorney-General Hoar. He had put so many eggs into the Santo Domingo basket that he had no eye for other issues. He had suddenly realized that he did not understand many complex public questions as well as some other men did. The attacks of Dana's *Sun* did not mean much. But the *Times* was a staunch Administration organ, and its Washington correspondent described the party in February, 1870, as leaderless. The *Nation* declared that Grant had fallen between two stools; he held neither the confidence of the people, nor the back-

⁵⁴ N. Y. *Tribune*, February 14, 1870.

⁵⁵ The subject is ably analyzed by Mr. Sidney Ratner, "Was the Supreme Court Packed by President Grant?", *Political Science Quarterly*, September, 1935.

ing of the politicians. Old Gideon Welles pronounced the Administration "demoralized."

And in January, 1870, the sober Henry L. Dawes of western Massachusetts rose in the House to deliver a slashing assault upon the Administration; an assault in which his tone toward the President was to the last degree contemptuous and patronizing. It was a wrongheaded attack, for he accused the government of extravagance, though Boutwell looked all too carefully after candle-ends and cheese-parings. But it won the applause of those whose disappointment in Grant rested upon the true ground: that his ideas upon great issues were neither large, nor liberal, nor courageous.

Under these inauspicious circumstances, Grant was buckling on his harness for the greatest political battle of his career—that for Santo Domingo.

THE secret of the treaty for Dominican annexation was, as such state secrets go, extremely well kept. To be sure, during the last two months of 1869 the metropolitan newspapers indulged in a tremendous amount of conjecture. The New York *Herald* as early as November 17 printed a long story about the "probable annexation" of the republic, saying that in the next few weeks the question would be tangibly presented to Congress. The Philadelphia *Press* stated at the same time that a treaty of annexation had probably been made. Though other newspapers carried denials, hearsay reports and gossip about annexation persisted. Thornton wrote the British Government on November 29¹ that he *thought* the United States was taking steps, on the invitation of Baez, to acquire the republic. He had learned from the British chargé at Port au Prince that the Haitian Government was also proposing to the United States a defensive and offensive alliance, to contain a secret clause by which the Haitians would cede Mole St. Nicholas, valuable as a naval base, in return for an American loan. It was clear to him that if the Administration succeeded in effecting the annexation of Santo Domingo, all the rest of the island would soon fall into its hands. To this, it may be said, England had no real objection. Unquestionably many diplomatists, Congressmen, and journalists suspected that a bargain had been made.

Yet all the talk remained mere conjecture. After Babcock's second return from the island, his convention for a fifty-year lease of Samaná

¹ PRO, FO 5, 1163; Thornton to Clarendon, November 29, 1869; No. 412 (Confidential). Thornton wrote: "But if the United States should succeed in bringing about the annexation of the Dominican Republic, it is probable that they would consent to a considerable sacrifice to obtain possession of the whole Island, especially as the Mole St. Nicholas is considered to be about as good as that of Samana, and less unhealthy. It is not to be supposed that in the present unhealthy state of Hayti, the chieftains who have command in its different sections would resist even moderate pecuniary temptations. If the United States were once in possession of the whole of that island, it would not probably be long before the separation from the mother country of the islands of Cuba and Puerto Rico would be effected, to be followed possibly by their annexation to the United States."

Bay was deliberately given full publicity.² Many insisted that an additional compact existed; others denied it. The *Times* declared just after Christmas that direct and immediate annexation was not intended—that Santo Domingo and other West Indian islands would be allowed to gravitate slowly into American control.

Why, we may ask, all this secrecy even after Congress met? According to Fish's diary, it was because of the indiscreet contract which the Dominican government had made with the rascally Hartmont for flotation of a loan in London. Under this contract, the final payment of £270,000 had to be remitted to Santo Domingo by January 1, 1870. "Baez," Grant explained to the Cabinet,³ "has promised Babcock, if it be not paid during the present year, not to receive it, and to declare the contract void. Should the prospect of annexation become known, it (the Hartmont firm) will send the money down at once." The treaty, he continued, would be sent to the Senate soon after the Christmas recess, and then they could talk as freely as they pleased. Just before Christmas, Fish mailed a brief summary of it to the principal American ministers in Europe, pledging them also to secrecy. To Elihu Washburne he added some interesting explanations.⁴ Annexation, he wrote, was Grant's real object; the lease of Samaná Bay had been arranged merely to give the United States some security for the \$150,000 which Baez needed so badly, and to engage the attention of the Dominican people while preparations were being made for their referendum. Washington had promised to protect the Baez government until after that election, "and the exhibition of our flag on the island, and the presence of some men of war, it was thought, would have the effect to maintain peace and order." ⁵

² N. Y. *Tribune, Herald*, December 20-31, 1869. Samaná Peninsula is about 35 miles long and 6 to 8 wide. The Bay is of uneven depth, but in some places deep enough for any warship; the climate was unhealthy, and the Spaniards had been compelled to give up their plan for a dockyard. Thornton wrote Lord Clarendon (PRO, FO 5, 1163, December 27, 1869, No. 451): "It is supposed that this acquisition will militate against execution being given by the United States to the Treaty with Denmark for the sale of the island of St. Thomas; but Mr. Fish tells me that the President's views on this point have recently been somewhat modified, and that he has intimated to the Senate that although he cannot acquiesce in the advantage of the acquisition to the United States, he thinks that it is due to Denmark, as a matter of friendship and generosity, that the Treaty should be ratified."

³ Diary, December 21, 1869.

⁴ December 23, 1869; Washburne Papers.

⁵ For much material of interest on the position of the Baez Government see State Dept. MSS, Consular Dispatches Santo Domingo, Vol. VI.

I

As the holiday recess ended Chairman Sumner of the Foreign Relations Committee was notified by Grant himself of the treaty. On Sunday evening, January 2, the President walked across Lafayette Square to call unannounced on the Senator, whom he found at supper with Ben: Perley Poore, the Washington journalist, and John W. Forney, secretary of the Senate. Grant began talking of the treaty and convention. He had failed to bring copies with him, and showed confusion and embarrassment; not once but several times he addressed Sumner as chairman of the Judiciary Committee! In particular, he was justifiably apprehensive lest his payment of \$150,000 from the secret service fund to Baez be called in question. Sumner also had a preoccupation. He was worried lest his Abolitionist friend James M. Ashley of Ohio, long in Congress and one time head of the infamous Ashley Committee which had fished for evidence to impeach Andrew Johnson, should lose the place which Grant had recently given him as territorial governor of Montana. Ashley had angered Grant by severely criticizing him, and had also incurred the enmity of the Sherman machine in Ohio. Sumner now interrupted the President by reading two pages of a complaining letter from him! When he saw that this irritated Grant he desisted, for he thought he might be taking too great a liberty with the President in his own house. Neither man was fully aware of what the other was driving at.⁶ Sumner said later that when the talk ended he had no clear idea of what the treaties proposed, and knew nothing of the character of the negotiation; while Grant was too intent upon his own aims to notice the Senator's blankness. The President promised to send Babcock over next day with copies of the treaty and convention, and left.

As Sumner escorted Grant to the door, he made a remark which became the theme of violent dispute. Forney, always a warm friend of both men, later quoted the Senator as saying: "Well, Mr. President, I am a Republican and an Administration man, and I will do all I can to make your Administration a success. I will give the subject my best thought and will do all I can rightly and considerately to aid you."

⁶ Ben. Perley Poore, *Reminiscences of Sixty Years*, II, 280. This visit has been treated at length by Sumner's biographer Pierce, Bancroft Davis, and others, while Fish collected many letters and press clippings on it. The only possible verdict is that Sumner and Grant both honestly misunderstood what was said.

Boutwell had dropped in, and he subsequently wrote that he distinctly heard Sumner remark, "I expect, Mr. President, to support the measures of your Administration." Sumner himself explained to the Senate a year later that, having carefully chosen his language, he had said: "I am an Administration man, and whatever you do will always find in me the most careful and candid consideration."

What is certain is that Grant believed that Sumner had promised to support the treaty; that Sumner believed he had promised only to consider it. The meeting was a turning point in the history of the Administration, for it marked the beginning of an irreconcilable breach between Sumner and Grant.

With jaw grimly set, determined to use every ounce of power to bring Santo Domingo under the American flag, Grant on January 10 sent the treaty and convention to the Senate. No other struggle ever aroused him so passionately as that now opening. "I believe it was the heat of the contest which made him so eager for success at last," wrote Badeau later; ⁷ "for he had the soldier's instinct, even in civil affairs. When he was once engaged in battle, he was always anxious to win."

A last-minute "leak" enabled the New York press to obtain definite information upon the treaty in time to publish a fairly accurate summary just before the Senate received it. The *Tribune* spread the news large on its front page for January 10. Yet the treaty created so slight a ripple that Grant, who had hoped for jubilation and plaudits, was disappointed. "The President," wrote Fish on January 15 ⁸ after talking with him at the White House, "refers to the Santo Domingo annexation treaty, and remarks that it has not attracted as much attention or excitement as he had anticipated. The sentiment in its favor is not as strong as he had expected."

The *Tribune* was cold and hesitant editorially, saying that it wished "for very slow movements" in tropical annexation, while its Washington and Dominican dispatches threw discredit on the whole proposal as a scheme of speculators. Even the *Times*, a thick-and-thin Administration organ, was at first dubious; if the treaty were justifiable, it was only "as a means to an end"—Cuba. It added: ⁹ "The pact we want—the safe naval station." Bryant's *Evening Post* was hostile. The two instruments were at once referred to the Foreign Relations Committee,

⁷ Badeau, *Grant in Peace*.

⁸ Diary, January 15, 1870.

⁹ N. Y. *Times*, *Tribune*, January 10, 1870.

which also seemed frigid. Meeting on January 18, its members were reported to be in no hurry to push the annexation scheme. According to the *Tribune* and *Post*,¹⁰ the belief was spreading that Grant had been "imposed upon."

Indeed, the first distinct rumblings of the storm that was soon to thicken about Grant's head and to rise to a climax in the Liberal Republican campaign of 1872 were now being heard. It was at this uneasy moment that Representative Dawes delivered his stinging indictment of the Administration. Grant was indignant, and told the Cabinet that he should be read out of the party. "I hope the Democrats will take him as a candidate for Congress this fall," he rasped.¹¹ Boutwell, whom Fish set down as "always timid and cautious," feared that he would carry many Republicans with him. Though Santo Domingo was not mentioned in Dawes' speech, such attacks did not make ratification of the treaty easier. And Fish was shrewd enough to see from the outset that the chance of annexation was slender. He wrote George Bancroft in Berlin on February 9, 1870:¹²

The San Domingo treaty I apprehend will not be approved. In addition to doubts honestly entertained by many of the policy of acquiring insular possessions, and of the effect of the tropical climate upon the race who inhabit them, there is something of jealousy and some smallness of motive operating in certain quarters. The necessities of the war developed large powers exercised by both the Executive and Legislative branches; the subsequent disagreement between Congress and A. Johnson increased the legislative powers and accustomed those in Congress and particularly those in the Senate to antagonize every proposition emanating from the Executive. The large political preponderance in both Houses ensured victory in every contest which Johnson's pugnacity, or something else, was provoking. The habit of criticism, if not of opposition, became somewhat fixed, and on the accession of a friend to the Executive Chair, the habit could not entirely and at once subside—it is difficult to voluntarily relinquish power. The Senate has been for two or three years accustomed to originate measures and to resist what the Executive originated. This, I think, has its influence on some quarters.

The Administration was now taking steps to support the Dominican Government while it held a plebiscite upon annexation. Poor Baez had

¹⁰ N. Y. *Tribune*, Washington correspondence, January 19, 1870. The *Tribune* on January 10, 1870, published a mass of material on Hartmont's criminal record, on the "corrupt speculators" Cazneau and Fabens, and on the connection of E. P. Hollister of 54 Wall Street with their enterprises. The news story declared that Grant was paying \$150,000 for the lease of an area whose resources were already mortgaged to English interests.

¹¹ Diary, January 25, 1870.

¹² Letterbooks.

been deeply alarmed by the summary overthrow of his Haitian friend President Salnave; defeated and captured by revolutionists, he was shot at Port au Prince on January 15, 1870, amid shouts of "Vive la Constitution!" and buried among felons. The new ruler of Haiti was General Nissage Saget. He was a friend of the Dominican insurgent Cabral, and was reported to have pledged every assistance, including the use of three armed steamers, to the Dominican insurgents. In hot haste Baez appealed to Grant for the promised naval protection. It was at once supplied. During January and February no fewer than seven American warships patrolled Dominican waters, under instructions broad enough to cover any contingency.¹³

Fish learned from the Haitian consul-general in New York that his government intended no interference in Santo Domingo. But the Navy Department, sending the *Swatara* to Santo Domingo, instructed the commander: ¹⁴ "If you find when you get there that the Dominican Government requires any assistance against the enemies of that republic, you will not hesitate to give it to them." A fortnight later news reached Fish that the Haitian "Cocos" were actually becoming unruly and giving aid to Cabral.¹⁵ He informed the President, with the result that the Navy Department immediately sent sweeping orders to Rear-Admiral Poor at Key West: "Proceed at once with the *Severn* and *Dictator* to Port-au-Prince; communicate with our consul there, and inform the present Haitian authorities that this government is determined to protect the present Dominican Government with all its powers. You will then proceed to Domingo, and use your force to give the most ample protection to the Dominican Government against any power attempting to interfere with it. Visit Samana Bay and the capital, and see the United States power and authority secure there. There must be no failure in this matter. If the Haitians attack the Dominicans with their ships, destroy or capture them. See that there is proper force at both San Domingo City and Samana."

All was now bustle, enterprise, and hope in the Dominican capital. A correspondent of the *Tribune* described the sudden animation which seized it: ¹⁶

The change which has taken place in this city since my arrival two months ago is surprising. At that time the city seemed one of those antediluvian places

¹³ *Report Secretary of Navy*, 1870; *Annual Cyclopaedia*, 1870.

¹⁴ January 13, 1870; Sen. Exec. Doc. No. 34, 41st Cong., 3d Sess.

¹⁵ Diary, January 29, 1870.

¹⁶ January 11, 1870.

which centuries do not change. An occasional steamer came in from Curacao or St. Thomas, and this was all its commerce. The shopkeepers lounged on their doorstep or lazily swung back and forth in a hammock behind their counters. Now everything wears an air of improvement. The Ozama River is filled with ships of all sizes. I have seen as many as four merchantmen dropping down with its current together, ready to take advantage of the land breeze to get to sea. The wharves are piled up with barrels of flour, cords of logwood, bags of coffee and sugar. The Custom House officers have quit sunning themselves and are now as busy as bees, while the merchants surprise themselves by standing upright and making their stores look as attractive as possible. This transformation has been effected by the rumor of annexation and the presence of a few live Yankees. One party of capitalists have organized a bank and have issued a large amount of paper currency. . . . A second company have obtained a contract to make a complete mineralogical and geological survey of the country, for which they are to receive large grants of land in the interior. . . . Another party have a contract for a railroad from Santiago in the interior of Samana Bay, a distance of seventy miles. . . . I could enumerate various other projects, but these are sufficient to show how American capital and American sagacity are being invested in the country.

Under these circumstances the plebiscite was taken in a surprise election (announced only four days earlier) beginning on February 19. As might have been expected, it was a farce. In the capital city Baez and his associates threatened all opponents with exile or a firing-squad. Perry, the commercial agent who had gone down lamenting that he would never see any excitement, observed the dictator shaking his fist in the face of some of his nearest friends in his palace, and telling them they would be banished if they opposed the treaty.¹⁷ At Puerto Plata, typical of other towns, no ballots were distributed, but voters were taken to the polls, their names set down, and the word "approved" written opposite. The head of the custom house there told his employees to vote yes or be dismissed, and men openly opposed to annexation were thrown into prison or sent into exile.¹⁸ In the Cibao district the people thought they were voting for American protection, not annexation.

The result was of course glorious. Officially the totals were announced as 15,169 for annexation, 11 against—and Fabens wrote that the eleven votes were cast at the suggestion of Baez to preserve appearances! Available evidence indicates that a majority of Dominicans

¹⁷ Perry to Fish, June 7, 1870; Hatch Report.

¹⁸ Francis Waldmeyer to C. A. Poizat of Baltimore, January 11, 1870; copy in Fish Papers.

really wished annexation, and it was a pity that a fair plebiscite was not held; but in that island a fair election would have set an utterly ruinous precedent.

II

The "will" of the Dominican people having been ascertained, it was now for the Senate to act. But as March opened, the Foreign Relations Committee still delayed its report. Two Western members, Morton and Harlan, were strongly for the treaty, but the others were either doubtful or opposed. On March 11 the committee met with Babcock, who explained the advantages of annexation. Several days later Grant tried to hurry the Senate by a brief message ¹⁹ calling attention to the fact that the time for action expired on the 29th, and expressing an earnest hope for ratification.

Fish, who disapproved of the message, was not consulted upon it, and in fact first learned of it from Sumner. At the Cabinet meeting on March 15 he remarked grimly, ²⁰ "Well, Mr. President, I suppose I am to regard the sending of a message on such a subject, peculiarly belonging to my Department, without notice to or a consultation with me, as a want of confidence in the administration of my Department." This was a threat of resignation. Grant looked startled. "O, no," he said apologetically. "I ought to have sent it to you, or to have consulted you, but the time for ratifying the treaty was drawing to a close, and the committee in the Senate was keeping it back, and I thought that wrong and sketched in pencil a message and told General Porter to send it to you. He said that was not necessary or usual, and without thought I allowed it to be copied and sent." The President added regretfully, "But I ought to have sent it through your department." Fish accepted the apology.

That very day the Foreign Relations Committee submitted an unfavorable report on both treaty and convention. Sumner, Schurz, Patterson, Casserly, and Simon Cameron signed it, though Cameron explained that under certain circumstances he would vote for annexation; Morton and Harlan supported both instruments. Seizing their advantage, Sumner, Ferry of Connecticut, and other opponents immediately tried to bring the treaty before the Senate for open debate.

¹⁹ Richardson, *Messages and Papers*, VII, 52, 53.

²⁰ Diary.

They failed. Amid great excitement, with reporters and politicians struggling for every fragment of news, the discussion began in secret session March 24. Sumner opened with a four-hour speech, which the press described as exhaustive and scholarly, and which expressed an insulting confidence in Grant's "honesty" in the transaction.²¹ Next day he spoke again, and was answered by Oliver P. Morton. On the 28th Schurz spoke, declaring that the Dominicans were ignorant, lazy, and unmoral, and that if we began by annexing one West Indian island, manifest destiny would compel us to annex all of them. Nye and Carpenter replied, while Cole gave a glowing account of his recent visit to Santo Domingo.

Immediately Grant took unprecedented steps to rally the Administration forces and to exert pressure against wavering Senators. On March 17th he suddenly appeared at the capitol, "somewhat in the style of Oliver Cromwell," as the *World* put it, and from the President's Room sent for fifteen Senators—Stewart, Morton, Conkling, Wilson, Trumbull, Chandler, Cameron, Sawyer, Anthony, Carpenter, Pool, McDonald, Drake, Harlan, and Warner; nearly all being for annexation or wavering on the edge of support. In a discussion of nearly two hours he offered additional arguments. At its close many of those present announced their adherence to the scheme.²² Grant also made out a list of the principal opposing or decidedly uncertain Senators, and wrote asking them to a conference at the White House on March 22. Fifteen attended. While Fish lent the influence of his presence, Grant again argued at length.²³ Meanwhile the President was seizing every opportunity to buttonhole Senators privately. Meeting Schurz at a reception, he asked him to the White House and there requested him to support the treaty; to which Schurz replied that he could not, and proceeded to offer his reasons. The sequel, Schurz writes, was interesting: ²⁴

At first the President listened to me with evident interest, looking at me as if the objections to the treaty which I expressed were quite new to him, and made an impression on his mind. But after a while I noticed that his eyes wandered about the room, and I became doubtful whether he listened to me at all. When I had stopped, he sat silent for a minute or two. I, of course, sat silent, too, waiting for him to speak. At last he said in a perfectly calm tone

²¹ Cf. Pierce, *Sumner*, IV, 440.

²² N. Y. *Tribune*, Washington correspondence, March 18, 1870.

²³ N. Y. *Tribune*, March 22, 23, 1870.

²⁴ Schurz, *Reminiscences*, III, 308.

as if nothing had happened: "Well, I hope you will at least vote for the confirmation of Mr. Jones, whom I have selected for a foreign mission."

Beyond question public sentiment was decidedly against the treaty, and Grant's unseemly lobbying, which won few if any votes, was widely criticized. Senator Henry Wilson of Massachusetts, who supported annexation for reasons of party solidarity, declared that nine-tenths of the people opposed it. A mass-meeting in its behalf on the night of May 12 at Cooper Union in New York with Moses H. Grinnell, Collector of the Port, presiding, N. P. Banks speaking, and Fabens on the platform, was obviously inspired by the Administration and fell entirely flat. In New York the *Herald* stood alone in vigorously supporting the treaty. Greeley's *Tribune*, while editorially urging the government to move cautiously, continued to publish long news stories upon the suspicious features of the transaction—Fabens' speculations; the shady investments of Hollister and O'Sullivan; the swindling activities of Hartmont in Luxembourg, France, and England; and the activities of lobbyists. Dispatches to it, the *Times*, and the *World* emphasized the hostility of many Dominicans and the prospect of a formidable revolt under Cabral and Luperon. The "plebiscite" was exposed in its true colors. Most of the Boston and Philadelphia press was equally critical, while the Springfield *Republican*, *Nation*, and *Harper's Weekly* were caustic. Gen. J. R. Hawley of the Hartford *Courant* wrote Sumner that Grant's course was demoralizing and dangerous. On principle, he approved of no acquisitions of territory without the previous authorization of Congress.²⁵ "We *don't want any* of those islands just yet, with their mongrel cutthroat races and foreign language and religion."

And half the supporters of Cuban intervention, a most significant fact, angrily denounced the Santo Domingo plan. They realized that Fish had outwitted them; that while the Administration strove for Santo Domingo, it would leave Cuba alone! Dana, who had at first extolled the island, now made the *Sun* ring with his denunciations. Fraud was stamped on every feature of the treaty, he declared; Baez was selling us that to which he had no title; a nest of mercenary adventurers had hoodwinked Grant. He predicted that ratification would involve the United States in the same struggle against Dominican in-

²⁵ Sumner Papers

surgents which had cost Spain thirty million dollars and twenty thousand lives. John Sherman typified a large group in Congress who were chilly to Santo Domingo in precisely the same degree that they were eager for Cuban intervention. We may be sure that the Cuban Junta regarded the Dominican adventure with consternation as the grave of their best hopes.

Only a great upsurge of popular feeling in the early months of 1870 could have carried the treaty, and such a demand was conspicuously wanting. Grant had played his cards badly; he had done nothing to prepare the people for his sudden step, and doubts rapidly hardened into opposition. For party reasons, the Democratic Senators would vote in a solid block against annexation. Though feeling appeared to be most strongly hostile in the New England States and most favorable in the Middle West, sectional lines were decidedly blurred. Thus both Hannibal Hamlin and Henry Wilson, who could not be charged with the time-serving motives of Conkling and Fenton, were with the President, while Yates of Illinois and Ross of Kansas were in opposition. Oliver P. Morton cracked the party whip smartly. As debate continued he exhibited on his desk a varied collection of Dominican products. One was a large block of salt, crystal-clear, from the "salt mountain" of Neyba, which playful Senators took turns in licking! Other Senators organized a tug of war with a strand of Dominican hemp. Meanwhile, Cole, Nye, and Stewart were answering the arguments of Sumner and Schurz with vigor. But it became clear that if an immediate ballot were taken the treaty would be doomed.

Perceiving this, the opposition demanded a vote while the Administration labored for delay and recommitment. On March 27, Bancroft Davis wrote Fish, who was out of town: ²⁶

Sumner claims that the treaty will be defeated by a vote of 41 Senators. He will not listen to delay. Schurz has the floor tomorrow and will not yield, nor consent to a recommitment, on the contrary opposes it. I think they count without their host in their estimate of members. I do not think that the Democrats have decided yet how they will vote. Sumner thinks he has the power and is relentless. He says he spoke in terms of the greatest respect of the President and of you. Called you his "distinguished friend," his "lifelong friend," etc. I told him you might say with the Psalmist: "It was not mine enemy that did this thing."

He said that someone had offered to Patterson to have his brother appointed

²⁶ Letterbooks.

Third Auditor if he would vote for the Treaty, and that a General had said to a Senator if he would vote for the Treaty he could have whatever patronage he desired. I today took Morton to the President and repeated this, and the President has authorized Morton to deny on the floor of the Senate (if the statements are made there) that he authorized the statements or knew of them.

III

Fortunately for Grant, no vote was taken before the 29th, when the treaty lapsed. Throughout April and May the Senate was occupied with other subjects, while the President impatiently waited and took steps to obtain from Baez an extension of time. Meanwhile, opinion in Congress and the nation rapidly crystallized.

The reasons why most Americans disliked the treaty were easily apprehended and full of force. Thus far all our territorial expansion had been continental, in the temperate zone, and in districts certain to yield quickly to settlement and submit completely to Anglo-Saxon law and tradition. Annexation of an insular, tropical, and Spanish-speaking area would create a dangerous tradition. Once the United States obtained half of the island, it would inevitably soon occupy the other and Haitian half, thereby extinguishing a Negro republic for whose freedom many former Abolitionists felt a jealous interest. Moreover, the chronic civil turmoil in both little republics emphasized Dana's constant reminders that Spain, accepting Santo Domingo as a free gift, had found a bloody war on its hands and been glad to drop it as too dear at any price. The West was still crying out for settlers and capital; while the Reconstruction problem remained unsolved, to annex a new population of ignorant Negroes seemed utter folly. And, finally, many believed that a distant dependency of the kind would prove a fertile field for corruption, of which we had too much already.²⁷

But for some Senators these did not constitute the only reasons—perhaps not even the chief reasons—for opposition. It was unquestionably true, as Fish wrote George Bancroft, that the Senate was jealous of the Executive and determined to preserve its whip-hand in the government. It had refused to repeal the Tenure of Office Act. It had exhibited its domineering temper again during the January debates on reconstruction.²⁸ When the Virginia and Mississippi bills came up, Lyman Trumbull attacked the demand for “fundamental conditions”

²⁷ Cf. *Nation*, March 24, 1870.

²⁸ *Congressional Globe*.

by pointing out that they would destroy the equal union of the States; that is, they would create two classes, conditionally and unconditionally admitted, the former inferior in power and dignity. Sumner abusively accused Trumbull, who had been one of Lincoln's closest friends, of being the representative of "that fiendish organization," the Ku Klux Klan, with "its bloody orgies." He shouted that when President Johnson had been "dragged to the Bar" by "a just and generous House of Representatives," Trumbull had found a technicality in favor of "the criminal," and by his vote "continued the criminal in power." As E. L. Godkin commented, the Senate's chief motive in insisting on "fundamental conditions" was precisely that which Fish mentioned to Bancroft—its desire to maintain at any cost its paramount power in the government, and "to gratify on every possible occasion its mania for humiliating the President and guiding the lower House." Sumner, added the editor, had furnished a particularly sinister exhibition of intolerance: ²⁹

With a degree of gravity worthy of old days, when he was almost alone in the assertion of great principles in the Senate, he announced to mankind that the governor lately elected by the people of Virginia was "a pivot"; that the pivot had spoken disrespectfully of something which Mr. Sumner declared to be the New England common school system; that the New England common school system was the pride and glory of his constituents; and that, until the people of Virginia were taught by the Senate that their governor must admire everything that was admired by Mr. Sumner's constituents, they must be kept under police supervision. This is no exaggeration of the character of Mr. Sumner's remarks. If they seem ridiculous, the ridicule is his own. All we can be charged with is an attempt to supply a little logic, a matter in regard to which Mr. Sumner is apt to be a trifle negligent. The whole strain of Mr. Sumner's remarks is pitched in the same falsetto. In the effort to show a respectable reason or excuse for wielding the whole power of the Senate—for snubbing the President, the Cabinet, and the House of Representatives—for assuming the charge of administration and legislation at once—Mr. Sumner travesties himself. . . .

Sumner's arguments against Dominican annexation laid special emphasis upon the menace to the black republic of Haiti, land of Toussaint l'Ouverture, whose name Wendell Phillips had pictured as written in the empyrean blue above all others in history. With his familiar sentimentality on every topic relating to the colored race, Sumner de-

²⁹ *Nation*, January 27, 1870.

clared that nothing must be done to impair Negro predominance in the West Indies. "To the African belongs the equatorial belt, and he should enjoy it undisturbed."³⁰ But subconsciously he was also thinking, beyond doubt, of the power of the Senate, and particularly of vindicating his own authority as the principal figure in that august chamber.

Consciously or subconsciously, again, he was affected by resentment of the Administration's treatment of his friends Motley and Ashley. He knew that the axe hung over Motley's head, and that Fish alone had kept it from falling. He knew that Grant was determined to appoint a new governor of Montana in place of Ashley, whom he called a worthless mischief-maker.³¹ While quite above deliberate action on the basis of personal pique, Sumner was peculiarly sensitive to such hurts and was prejudiced by them. He was cut to the quick when the Senate finally supported Grant in displacing Ashley and installing an Ohio colonel, B. F. Potts, in his stead. Perley Poore, witness of the famous supper-table meeting, later asserted that Sumner had conditioned his support of the treaty upon Grant's retention of Ashley. This is impossible to believe. But others thought so; a few years later Timothy O. Howe of Wisconsin, the most honest of Senators, sent Fish an illuminating letter:³²

I have never doubted that Mr. Sumner then at the interview resolved to make his support of the treaty conditional upon Ashley's restoration. . . .

This conclusion is strengthened by two or three other circumstances.

1st. Harlan told me the treaty had been before the Committee on Foreign Relations for weeks before he had the least hint that Sumner would oppose it.

2nd. When the treaty had been in committee a long time he asked me what I thought of it. I told him frankly I was very sorry it was ever negotiated. But he did not intimate the slightest objection to it.

3rd. I never saw him so excited as when Potts was confirmed in place of Ashley. I had spoken and voted for confirmation.

The day was hot. After the vote I went to a window in the coatroom which opened to the south corridor.

Mrs. Lippincott stopped at the open window to speak to me. While we were speaking Mr. Sumner came out, fanning himself violently, white with excitement, and stepping to my side, said to Mrs. Lippincott; "Mrs. Lippincott, the Senate has just done a dreadful thing."

I said, "Mr. Sumner is in fun." He repeated with vehemence, "A most brutal thing."

³⁰ Pierce, *Sumner*, IV, 441.

³² November 8, 1877; Fish Papers.

³¹ Louis A. Coolidge, *Grant*, 330.

IV

With passions deeply aroused on both sides, the battle entered its final stages. While the Administration attempted to strengthen the treaty by proposals for modifying it, the opponents tried to add to their own strength by exploiting the so-called Hatch affair. Finally a tense and exciting fortnight saw both sides striking out blindly and angrily in all directions. When the struggle ended the Republican Party was rent as nearly asunder as after Johnson's first vetoes of Reconstruction legislation.

While the idea of modifying the treaty and thus reaching an acceptable compromise occurred simultaneously to several Administration men, Secretary Fish was its most important proponent. With resignation, without regret, but with sympathy for the confused President, he had watched the treaty lapse without a vote. The period for its ratification was at once extended. But he knew that Grant's undignified activities merely emphasized its weakness, and realized that it would be hopeless to revive it in its original form. On April 27 Fabens landed in New York with credentials as Minister from Santo Domingo, and proceeded posthaste to Washington for the obvious purpose of lobbying with members of Congress. Fish was filled with disgust; and this became irritation and resentment when the envoy, instead of laying his credentials before the Secretary of State, took them direct to the President. Fabens met a frigid reception at Fish's office on April 29, 1870. The diary states:

Col. J. W. Fabens presents a letter from Mr. Gautier, the Secretary of State of San Domingo, addressed to me, to the effect that Fabens has been appointed Envoy Extraordinary to this country. I comment upon the peculiarity of a government which has voted to cede its nationality, and to be annexed to this, sending an envoy to the country to which it is thus to be annexed, and ask him whether he is not an American citizen, to which he replies affirmatively, whereupon I refer to a difficulty in that regard. He says his powers are limited to the pendency of the Treaty. Of course they may be, for if the treaty be ratified they fall, but how are they in their terms? It then appeared that he had already presented them to the President. I remark that this was extremely irregular and improper; that he had no right to present himself to the President except through the Secretary of State; it was an assumption and an indignity on his part to take another course. He then said that he had called upon "his friend General Babcock, and learning that the President was

to leave town, General Babcock had suggested his seeing the President, and the delivery of the letters." I tell him he has laid the basis for more opposition to the treaty in the Senate than can be easily overcome. Already a strong objection arises from prejudice, and the charge of irregularity in the negotiating of this treaty; but here is a greater irregularity than any other that had previously occurred, and he has given grounds for the charge that this treaty is being negotiated outside of the regular channels.

A few days later, Grant lamely explained to the Cabinet how he had happened to receive Fabens so irregularly. He had been in a hurry and had sent for the envoy! ³³

President hands me the letters of credence which Fabens left with him from San Domingo; explains how Fabens left them with him. The President was about to leave here last Thursday at noon. Fabens had just arrived and the President wished to learn from him the latest account from San Domingo, and sent for him the morning before he left. Has not read the letters of credence, but understands they authorize Fabens to exchange ratifications, and agree to a modification of the treaty, and to an extension of time for the exchange, etc.

Evidently Grant and Fabens—thanks to Babcock—were on cordial terms. The President went on to suggest his own inadequate ideas for a compromise:

President thinks the treaty may be modified, and then passed; wishes me to consult with some friends of the treaty, and names Morton and Chandler for this purpose; does not wish to consult Sumner, whom he called upon with reference to the treaty, and who had assured him in the presence of another person of his friendship to the treaty, and who (he says) has opposed it most violently and unfairly. He suggests four points of modification which I note in his presence.

I. The public lands not to be made liable for the debt of Dominica; this he thinks may be construed into a liability on our part, in case the lands do not suffice for the debts.

II. The appointment of commissioners to see to the application of the purchase money in the liquidation of the public debt.

III. The foreign debt is first to be paid; first that due to governments; then that to foreign individuals.

An express provision that the United States in no event be liable beyond the amount of the purchase money. He directs me to write to Perry . . . that he hopes the treaty will be ratified.

From another source, no less a person than Fabens himself, we learn that Grant was still hopeful of victory. "The President," Fabens wrote

³³ Diary, May 3, 1870.

the Dominican Government on May 4,³⁴ "stated that he was *almost certain* of carrying the annexation treaty by a two-thirds vote. We went over the list of Senators and counted forty clearly in favor. There being now but seventy-two Senators (the Georgia Senators not having been admitted as yet), a gain of two will give us a two-thirds vote." This arithmetic is awry—two-thirds of seventy-two is forty-eight. In a letter the same day to Cazneau, Fabens not only repeated these assertions but uttered some fantastic statements regarding Sumner:³⁵

President Grant is fully determined on the annexation of Santo Domingo, *and he will succeed*. At my first interview he thought a gain of two votes would secure a two-thirds vote in the Senate, and these two I have since obtained. Still we shall not go to a vote without being sure of success, as some friends may be absent, and Governor Grant may be deceived as he was in the case of Sumner.

I have had a four hours' interview with Sumner, and have good ground for hoping that he will come around. He evidently sees his mistake and laments it. Prest. Grant proposes next week to meet him with me, and I think we have an argument that will convert him. But *with or without him*, we intend to succeed, and if the situation remains unchanged in Santo Domingo we shall succeed. We rely upon all the good friends of President Baez to stand by him in this crisis.—Mr. David Coën, who has behaved excellently well here and has done good service to the cause in Washington, returns by the *Tybee* to communicate many details that I cannot write.

Fish at once saw that the modifications suggested by Grant, which did not go beyond some elementary safeguards against tapping the Treasury for the benefit of speculators, would never suffice. Acting on his own responsibility, though perhaps after consultation with Morton and Conkling, he decided to suggest drastic amendments of the treaty—amendments by which annexation should be regarded partial and provisional, and power should be permanently vested in Congress to remit Santo Domingo to a condition of independence if it should so desire. This independence might be separate, or it might be as part of a confederation of West Indian islands—the latter apparently being contemplated as preferable. Fish hoped that Sumner himself would support the treaty if thus amended; and there is evidence in a letter which Fabens wrote Fish on June 7 that Sumner had intimated that he would acquiesce in a protectorate over Santo Domingo.³⁶

On May 14 Carl Schurz showed the Secretary a careful poll of the

³⁴ To Secretary Gautier; Fabens Papers.

³⁵ *Ibid.*

³⁶ Fish Papers.

Senate which indicated that 31 Senators would vote against annexation, 41 for it—seven votes less than two-thirds; and a canvass by Senator Stewart produced almost identical results.³⁷ Before leaving for the North that evening, Fish instructed Bancroft Davis to hand his proposed amendments to the President, and next day wrote Grant from New York to ensure a correct statement of his ideas. His letter was earnestly argumentative: ³⁸

Before leaving Washington last evening, I requested Mr. Davis to submit to your consideration a further amendment to the San Domingo treaty, viz.: instead of making the future admission as a State imperative, depending only as to time on the discretion of Congress, to reserve to Congress the right *either* to admit the State, *or* to remit it to a condition of either separate or of confederate independence; the latter in connection with other of the islands of the Gulf.

This proposition, it may be expected, would find friends among those who desire the influence of our institutions and our protection to be extended to San Domingo, and to the other islands, but who hesitate upon the question of the absorption of tropical possessions. It is perhaps the most practical mode of establishing a protectorate consistent with constitutional limitations. It would present to the other communities in the West Indies the idea of separation from European dependence, of confederation, and of alliance with this government as their natural protector and friend, in a form the least likely to excite their susceptibilities or their natural pride. Prosperity resulting to San Domingo would stimulate and excite the desire of other colonies to establish similar relations.

The right to remit the country to a condition of independence or confederate nationality may either be absolute in Congress, or with the consent of the people and Territorial Legislature of San Domingo.

The absolute right in Congress is better, and would secure more strength to the treaty, as it would leave to this government the shaping and the control of the future confederation of the islands, should such confederation be deemed expedient.

General Schurz showed me yesterday a canvass of the Senate, agreeing, as he said, with one made by Senator Stewart, giving thirty-one Senators opposed to the Treaty.

If an amendment such as I suggest would cause the adoption of the treaty it should originate from the Administration. San Domingo, I think, would not hesitate to accede to the treaty with the amendment. It would give them present relief, and the assurance of new growth, strength, and stability.

If you approve, I would suggest a few days' delay in calling up the treaty

³⁷ Diary, May 14, 15, 1870.

³⁸ Letterbooks, May 15, 1870. The draft of the amendments in Fish's handwriting, is in the Fish Papers.

while the idea is being presented, and the opponents of the treaty are being consulted.

One reason for the chilliness of most Americans toward the treaty lay in the fact that all the arguments based upon plans for an isthmian canal had collapsed. For a few months many Easterners had cherished roseate visions of such a waterway. They had read in November, 1869, of the gala opening of the Suez that month: the grand procession, with Eugénie in her steam-yacht *Aigle*, the Emperor Franz Joseph, the crown prince of Prussia; De Lesseps in all his glory; and dignitaries unveiling a monument to Waghorn, the Englishman who first proposed a road to India through this desert. Long news stories, front-page maps, learned discussion of changes in the world market, gave fresh color to the dream of an American canal in Darien. The *Tribune* exuberantly proclaimed that "the year of 1870 will doubtless witness the beginning of this work, and a date by no means distant may be set for the celebration of its close." The *Times* cavalierly asserted that no engineering difficulties of importance existed, and that the cost might safely be set down at from sixty to one hundred millions. Grant entertained hopes that the canal would be one of the monuments of his Administration. Senator Cole and Judge O'Sullivan were reported to have told him that Santo Domingo, being mountainous and cool, would serve as a sanitarium for canal laborers stricken by the fevers of the isthmus! In January, 1870, the gunboat *Nipsic* and storeship *Guard* were sent down, with naval engineers, a geologist, a draughtsman, and several officers of the Coast Survey, to examine possible routes across the isthmus. The enthusiastic talk temporarily revived. But as the months passed more sober calculations showed than an isthmian canal would involve enormous labor and expense, while it was realized that treaties would have to be negotiated with Great Britain and Columbia before construction could begin. The *Nipsic* returned in June with a discouraging report. Even earlier a group of New York merchants had warned Grant that the canal project might prove both costly and dangerous; and the dream quickly faded from public interest.

Had Grant accepted the amendments proposed by Fish, the treaty might have passed. After all, he needed fewer than ten new votes. But he was totally unwilling to consider the protectorate idea. The day after Fish's return he came to the State Department full of objections,

the chief being that the plan had originated with Schurz (he erroneously said that Bancroft Davis had told him so), and was therefore the suggestion of an opponent.³⁹ Fish told him that it was wholly his own idea, and had not been mentioned to anybody except Davis. It was obvious, he remarked, that the treaty would be rejected "unless some of its opponents are gained over by some new feature or principle"; and these seemed to him the most feasible changes. Grant authorized him to consult Sumner and a few others on the matter; but it was evident that he was still hostile, and Fish simply dropped the matter. He knew how useless it was to combat Grant once his stubborn temper was fully aroused.

v

Within ten days, indeed, Grant threw down the gauntlet to his opponents. On May 31, 1870, he sent the Senate a defiant message on Santo Domingo ⁴⁰—a message which, after announcing that the period for ratification had been extended, completely destroyed all hope of compromise; for it demanded approval of the whole treaty with no change beyond the addition of his own slight financial safeguards. It was full of absurdities. He confessed that he felt an intense anxiety for ratification, for it would "redound greatly to the glory of the two countries interested, to civilization, and to the extirpation of the institution of slavery." Just how American glory and civilization would be advanced by the absorption of Santo Domingo was something of a puzzle; just how it would weaken slavery, which did not exist in the island, was also hazy. He deemed it proper to supplement the Monroe Doctrine by "the equally important principle that hereafter no territory on this continent shall be regarded as subject of transfer to a European power." Yet this was not an absolute rule; for after announcing that he had "reliable" evidence that "a European Power" stood ready to pay two million dollars for Samaná Bay alone, he demanded: "If refused by us, with what grace can we prevent a foreign Power from attempting to secure the prize?" He piled one erroneous statement upon another:

San Domingo . . . is . . . capable of supporting a population of ten million people in luxury.

San Domingo . . . possesses the richest soil, best and most capacious har-

³⁹ Diary, May 21, 1870.

⁴⁰ Richardson, *Messages and Papers*, VII, 61-63.

bors, most salubrious climate, and the most valuable products of the forest, mine, and soil of any of the West India islands.

Its possession by us will in a few years build up a coast-wise commerce of immense magnitude, which will go far toward restoring to us our lost merchant marine.

San Domingo will become a large consumer of the products of Northern farms and factories.

The production of our own supply of sugar, coffee, tobacco, tropical fruits, etc., will cut off more than one hundred millions of our annual imports, besides largely increasing our exports. With such a picture it is easy to see how our large debt abroad is ultimately to be extinguished.

The acquisition of San Domingo is a measure of national protection.

The acquisition of San Domingo . . . is to settle the unhappy condition of Cuba and end an exterminating conflict.

It is unnecessary to say that Fish had nothing to do with this unconvincing message, though Grant had read it to him two days before it was sent. His attitude toward the treaty, never cordial, had been chilled by the President's insistence upon a promise of eventual Statehood to the island, by the tactics of Fabens, and by what he was slowly learning of the whole project. Unfortunately for the annexationists, Major Perry, the commercial agent, returned to the United States on May 27, filled with indignation at the machinations of Fabens, Cazneau, and Babcock. He hurried to Washington. On the 28th, driving with Fish, he poured into his ear all the devious transactions which he had observed.⁴¹ "He says Baez had been granting concessions to Cazneau and Fabens since the negotiation of the treaty; has himself been taking up government lands. Fabens has received a concession in Samana, and in connection with Spofford & Tileston brought in a vessel (the *Rush*) claiming her to be a government vessel, and thus avoiding paying charges; that Spofford & Tileston sent out money, etc., on account of the Hartmont contract, which he (Perry) required Baez to return; that Baez and Gautier are preparing to quit the island in case the treaty is not ratified; that General Camanero and the Senate are opposed to Baez and Gautier." All this was highly disturbing.

And Fish was still further exasperated when the principal lobbyists for annexation descended upon him and demanded that Baez be allowed to borrow more money somewhere. Senator Cole and Judge O'Sullivan strode into his office on June 1, described in plaintive

⁴¹ Diary, May 29, 1870.

phrases the poverty of the Dominican Government, and asked that it be permitted to negotiate a loan. Fish peremptorily replied that any engagement or loan, and especially any recognition of the Hartmont loan, would violate the treaty and defeat all hope of its ratification. Fabens followed with the same representations, and received the same peremptory negative. He bore a letter from the wily firm of Hartmont, arguing that its contract with the Baez régime was still valid and that if annexation took place, the American Government would be legally bound to complete the loan, but offering in advance to reduce the interest rate or to accept an assignment of the rent of Samaná for fifty years. By the time Fabens left, the disgusted Secretary was in a mood to listen again to Perry, who called the same day: ⁴²

He denounces Fabens and Cazneau; alleges that they are in collusion with Baez and Gautier in obtaining grants in violation of the terms of the treaty; he implicates Spofford & Tileston, and one Schumaker, and General Babcock; the latter he says is a "damned rascal," and that he is concerned with Fabens and Cazneau in the grants; that he, Babcock, told him so, and urged him to aid Fabens and Cazneau in their applications, and said to him, Perry, that if he did he could be a rich man before he left the island. He left with me a bundle of papers, which however present no specific fact, though showing Perry's suspicions and a degree of vigilance to prevent any evasion of the treaty.

VI

To complete Fish's disheartenment, the treaty opponents early in June struck a devastating blow. He had utterly failed in his effort to strengthen Grant's lines by amending the treaty. Now the enemy suddenly executed as effective a flanking movement as Lee's at Chancellorsville; for they angrily exploited the Dominican maltreatment of Davis Hatch, previously mentioned as a Connecticut emigrant who had made an enemy of Baez. Rumors of the case had long been current. On February 21 Senator Ferry of Connecticut had introduced a resolution calling upon the government for papers and information. But the question had been kept quiet until the critical moment. Perry had brought letters from Hatch, and other evidence. Taking these, on June 8 Ferry precipitated a dramatic scene by rising in the Senate, flourishing a bundle of documents which purported to show how foully Hatch had been treated by Baez and Babcock, and demanding an in-

⁴² Diary, June 1, 1870.

vestigation by the Foreign Relations Committee.

Sumner, laboring under intense excitement, shouted that Babcock ought to be cashiered at once—his name “struck from the army, and struck from the roll of honorable men.” Zack Chandler called Hatch “a worthless scoundrel”; Ferry replied that he was fully as good a man as Chandler. Nye sneered at Ferry as a particular friend of Cabral, “the wild savage from the Haitian dominions.” After such angry recriminations, a special investigating committee of nine, five for annexation and four against, was appointed under Nye as chairman. It set about taking testimony, using a letter which Perry had addressed to Secretary Fish on June 7, containing detailed charges against Fabens, Cazneau, Baez, and Babcock, as the general basis for its inquiries. Everyone concerned was questioned—Perry, Babcock, Fabens, Sackett, Ingalls, J. Somers Smith, Hatch himself, and Fish.

Seldom has a Senate committee listened to a more interesting story than that of the persecution—for it is none too strong a word—of Davis Hatch. A native and resident of Norwalk, Conn., he had gone to Santo Domingo in 1862 as agent for a New York company which was seeking a salt concession at Neyba. This concession was granted in 1864 by the Spanish authorities, annulled by Baez when the Spaniards withdrew, renewed in 1866 by Cabral, and annulled again by Baez in 1868! It was never possible to work the mines, and Hatch meanwhile made a living as a trader at Barahona. In 1868 Baez had him arrested on the charge of supporting Cabral. The fact was that he had incurred the enmity of Dominican leaders the previous year by sending letters to Washington which prevented the Senate’s confirmation of Cazneau as American Minister to Santo Domingo, and which pictured Baez as a disreputable schemer. He had never given any material aid to Cabral, though his house at Barahona, the largest in the place, had been used by both Cabral and Baez troops when alternating forces occupied that town, and had suffered heavily. Released for a time, he was soon re-arrested. At the beginning of October, 1869, he was tried by court martial in Santo Domingo City, without adequate opportunity to defend himself, and was sentenced to death. Baez commuted the sentence to immediate banishment, and when the State Department made inquiries, gave assurances to the American commercial agent that no harm would come to Hatch. Instead of being released, however, he was held prisoner for six months in one of the filthiest jails on the face of

the globe.⁴³

While he was spending his first dismal weeks in jail, General Babcock was in the island, too busy being feted, wined, and flattered to do anything to protect his fellow-countryman. As a matter of fact, he did not wish to do anything. Fabens and Cazneau had warned him that Hatch would try to ruin the annexation scheme, and should be kept in jail until it was consummated. When the Senate committee asked Babcock to explain, he feebly protested that he had heard that Hatch was guilty of conspiring with Cabral, and had believed it because Hatch had at one time given a "bill of health" to the troublesome Haitian warship *Telegrafo* at Barahona. This vague charge was one that the Dominican Government had not thought of listing! Perry testified that on his way to Santo Domingo Fabens had spoken most disparagingly of Hatch. The real reason why the trader was kept in prison with Babcock's tacit approval appears in a letter written by Secretary Gautier to Perry on February 19, 1870, declaring that the aim of the Dominican Government in continuing to hold him was "that of preventing falsehood and the misleading of public opinion in the United States."⁴⁴ Babcock would not have had the slightest difficulty in effecting Hatch's release. A brief investigation, a short sail to Azua to question the man, a word to Baez, and the Connecticut trader would have stepped out of his loathsome dungeon a free man. The fact that Babcock did intervene at the same time in a murder case involving an American sailor indicates that his negligence was deliberate. The callous officer simply thought it best to take the chance of subsequent inquiry, and connived at the imprisonment.

The event showed that this was a grave responsibility to incur, for the inquiry came in the nick of time to prove a decisive factor in defeating the treaty. Two reports were submitted by the Nye Committee. The majority report, signed by Senators Nye, Howard, Williams, and Warner, exonerated Babcock, affirmed the guilt of Hatch, and treated Perry, on the basis of his checkered army career, very roughly. The more convincing minority report, signed by Schurz, Vickers, and Ferry, took issue with the majority document on every point, declaring that

⁴³ Hatch Report, *passim*. In Vol. VI, Santo Domingo Consular Reports, State Department Archives, is full evidence that Fish bestirred himself to rescue Hatch the moment he heard of the man's plight. Coöperating with Senator Ferry, he sent peremptory orders by special messenger to Perry to have Hatch released.

⁴⁴ Hatch Report, p. 101.

Hatch had been outrageously maltreated and that Babcock was largely responsible. But the principal force of the inquiry lay in its exposure of the irregular methods used by Babcock in negotiating the treaty. The printed testimony filled 265 pages. Senator Howard sought at every point to exclude matter injurious to Babcock. But Schurz and Ferry, by adroit questions and by introducing the text of Babcock's original protocol with Baez, brought out the full story—the story of how he had gone down to the island and come back with the treaty project in his pocket, signed and sealed; how he had made far reaching promises on behalf of Grant; and how he had committed the Administration without the knowledge, much less the approval, of Fish.

The effect was crushing and final. Babcock would have been wise indeed to have delivered Hatch from his dungeon before he clinked champagne glasses with the Dominican dictator.

By mid-June, moreover, the orders given to our warships in Dominican waters had become public knowledge. Sumner has related how shocked he was when he first heard of them through some dispatches from Santo Domingo which Bancroft Davis showed him.⁴⁵ "Until then I had supposed the proceeding blameless, although precipitate. I had not imagined any such indefensible transgressions." It seemed to others, as to him, that the President's use of the navy to threaten Haiti came dangerously close to levying war, and as such was unconstitutional. Above all, if Baez needed our gunboats to remain in power, what was he but our puppet? And what were we doing but forcing upon a weak people the sacrifice of their sovereignty? When to these disclosures was added the growing evidence that Baez, Fabens, Cazneau, O'Sullivan, and others had a financial interest in annexation, the opposition to the treaty became immovable and irresistible.

Grant was beaten—but he was not the man to see or acknowledge it. As he watched the ranks of his opponents close in upon him, he displayed a personal rancor novel to many observers of his character. Tenacity, a dogged refusal to count the costs, an arbitrary temper—these were to be expected; but now he revealed a vindictive quality which had never appeared during the war. As directed against Sumner, it had a more bitter edge than his old relentless attitude toward Andrew Johnson. He could hardly find epithets too harsh to apply to the Senator, and Sumner repaid them in kind. Grant was thoroughly

⁴⁵ Pierce, *Sumner*, IV, 438.

convinced that Sumner had promised to support the treaty, and then from mean personal motives had broken his word; that he had used professions of friendship to cover a secret and inveterate hostility. Sumner for his part was whispering to friends that when Grant came to his house for the interview of December 31 he had been drunk. In debate Sumner had bitterly assailed Babcock as Grant's personal agent in "machinations"—that is, in discreditable negotiations; and the President believed that the charges of corruption now being spread everywhere had emanated from the Senator. He was determined to use every weapon within his reach to overthrow his antagonist.

The result, as he clutched at these weapons and prepared for the final grapple, was—in the last fortnight of June and the first week of July—a crisis that shook the Administration to its foundations.

It was a double drama which came to a climax in Washington in the hot June days of 1870. The struggle over Santo Domingo moved to its inexorable decision on the last day of the month. Meanwhile an almost equally desperate conflict was raging over the Cuban question. It also terminated in a clear-cut decision, but not until Fish had been compelled to exert every ounce of his strength. Two great incubi, the danger of annexing an alien tropical people and the renewed danger of war with Spain, were simultaneously lifted from the republic. But before the crisis passed Congress had been thrown into turmoil; one of the ablest members of the Cabinet had been forced to resign; Fish and Grant had reached the very verge of a quarrel; the Administration had almost been wrecked. Less than half the events of these crowded weeks were known to the public, and not much more than half have been recorded in history.

This chronicle has failed of its object if it has not shown that Fish cared little, in one way or the other, about Santo Domingo. Left to himself, he would have opposed annexation, but he correctly deemed the issue less important than two others. His real concern was with the British and Cuban questions. Caution, delay, peace in both—these were his prime objects. He knew that the *Alabama* question could and would wait. While it was easy for Chandler and Butler to bluster about war with the British Empire, the solid sense of the two kindred peoples still constituted an impassable barrier to jingoes. But Cuba presented an ever-imminent threat.

Fish had realized the previous fall that he could never defeat Cuban intervention against the united weight of Rawlins, Grant, and Congress. But Rawlins had opportunely died; and Grant had been diverted by Babcock's glittering bauble of the Dominican adventure. The Dominican Treaty had immediately weakened the interventionists in Congress. Two risky Caribbean enterprises could not well be pushed simultaneously, and it was significant that most of Cuba's friends opposed Dominican annexation. Nevertheless, the interventionist forces remained formidable in both houses. As spring advanced they redoubled

their assaults upon Fish, until a Cuban crisis, a Cabinet crisis, and the crisis of the Dominican contest occurred all together.

I

It had been evident as soon as Congress met that feeling on Spanish relations ran high. The brutal policy of Captain-General de Rodas, the atrocities of the Volunteers, the arrest of American ships and injuries to American citizens, all excited passionate resentment. Currency inflationists had their own motives for desiring war. In spite of the calming paragraphs on the subject which Fish had included in Grant's annual message, dozens of Congressmen and editors lifted their voices in a resentful chorus. The Houses suspended its rules on December 13 to allow Representative Ward of New York to present a monster petition of 72,000 names. That same day Senator Carpenter offered a resolution that the thirty gunboats (on which our government had allowed work to continue) should not be permitted to leave port while the revolt continued. The New York *Tribune* called this ¹ "the hearty and almost vehement wish of nine-tenths of the American people." In debate Carpenter aggressively crossed swords with Sumner, asserting that Cuba had fully earned belligerent rights and that Spain had repeatedly violated our neutrality.² Old Ben Wade, visiting Washington, declared: ³ "Out West we are all in favor of recognizing Cuba without waiting to learn whether Spain likes it or not." The *Herald* was abusing Fish as "a weak, timid man." It and the *Sun* charged that the Spanish Government's employment of his son-in-law Sidney Webster as attorney (though this employment long antedated Fish's appointment, and Webster never once spoke to the Secretary on Cuban matters) had warped his opinions. There had even been talk, as Congress assembled, of a resolution censuring Fish.⁴

It was a patent fact, which naturally inflamed public opinion, that neither side in Cuba was making real progress, and that the murder-

¹ December 14, 1870.

² N. Y. *Tribune*, December 16, 1870; the Washington correspondent states that the speech made a marked impression. But Sumner delivered an effective reply.

³ N. Y. *Herald*, October 26, 1869, which quotes Ben Butler as warmly in favor of recognition; we shall see how easily Butler changed his views when expediency dictated.

⁴ "They say he is the only one in the Cabinet who steadily and persistently clings to the do-nothing policy. Had it not been for him, they say, Grant long since would have proclaimed himself on the side of Cuba. Therefore, say some of these Congressmen, we ought to have a vote of censure against Fish at the next session." N. Y. *Herald*, October 26, 1869.

ous struggle might drag on for many years. De Rodas had acquired during his service with the Bourbons in Spain and Morocco an exceptional reputation for cruelty. In Cuba he now sustained this reputation by a long list of coldblooded and heartless executions. On trumped-up evidence or none the bullet and garrote were constantly being used in villages and cities. But he totally lacked the talents of a commander, and his boasts of constant victories had no foundation in fact.⁵ In the Bayamo district in the rebellious end of the island Count Valmaseda, who aspired to the Captain-Generalcy, had sought the favor of the bloodthirsty Catalan Volunteers by ordering a war of extermination. The American consul in Santiago, A. E. Phillips, wrote Fish on January 3, 1870,⁶ that sanguinary assassinations were daily perpetrated; that peaceful citizens were killed simply that their houses might be sacked and their crops sold by military officers. Yet the fat Valmaseda, who with his fishy eye and waxed imperial looked like Napoleon III, lacked both military ability and physical courage, and his "victories" were even more imaginary than those of De Rodas. Spaniards admitted, wrote Phillips, "that it is impossible to suppress the insurrection, and the only inducement for the continuance of the war is that the commanding officers are filling their pockets."

Meanwhile, troops could hardly stir in the east beyond the fortified lines without meeting hornet-like attacks, and the area of devastation constantly spread. "For eighteen months," *La Discussion* of Madrid declared early in 1870,⁷ "we have maintained a difficult and bloody struggle in Cuba. Forty thousand Spaniards have put their feet on that burning soil, where many of them have found sepulture. Forty millions of dollars have been poured from our miserable coffers. What have we accomplished?—nothing, absolutely nothing!"

Nor did the insurgent leaders now offer any hope of bringing the war to an early end. Everyone agreed that the Junta had hopelessly mismanaged its cause. Instead of forwarding arms, ammunition, medical supplies, and money to the rebel bands, activities not in conflict with American law, it had squandered heavy sums upon unsuccessful efforts at filibustering. "General" Ryan's abortive attempt to send down a small army by the *Catherine Whiting* had swallowed up nearly a half mil-

⁵ Consular Reports, Cuba, 1869, 1870; Sickles Papers; article on De Rodas in N. Y. *Tribune*, February 22, 1870.

⁶ This letter published in N. Y. *Tribune*, February 23, 1870.

⁷ March 24, 1870; quoted N. Y. *Tribune*, March 29, 1870.

lion dollars, and accomplished nothing except to anger the American authorities. What Cuba needed was not recruits but drill-masters and equipment.⁸ Adjutant-General Jordan wrote from the scene of action in the fall of 1869 that "hundreds of brave men are standing in my sight almost naked, some quite so, and few with shoes of any sort." There were five men, he reported in May, 1870, waiting to use every rifle that reached the front. He asserted that the rebels had nearly 27,000 regularly enlisted soldiers, and 40,000 liberated slaves with machetes; if they could obtain 75,000 rifles, the leaders were confident they could obliterate every Spanish garrison in eastern Cuba within ninety days and besiege Havana itself. The Negroes made admirable soldiers; the rebels were manufacturing their own powder; but they were without vital supplies, and 30,000 women were living an "aboriginal life," half-naked on the hillsides.⁹ For all this he blamed the Junta, which had shown more ardor than wisdom.

Grave dissensions had broken out in the Junta after the *Catherine Whiting* fiasco. Its members indulged in bitter recriminations over this disaster, the failure to gain financial support from bankers, and the breakdown of attempts at privateering and blockade-running. Cubans in New York hinted that several men had embezzled funds; they accused Alfaro, the Secretary of War, of collecting his recruits and marching them about so openly that arrest was certain.¹⁰ Before the close of 1869 the Junta had been reorganized under Miguel Aldama as president. He was an admirable figure; an active man of about fifty, who had been a multi-millionaire in Cuba owning five of the most valuable estates, large railway holdings, and the most splendid private residence in Havana. A few years earlier Spain had offered him the title of Marquis of Santa Rosa. He had given up fortune and position for the

⁸ See N. Y. *Herald*, January 7, 1870, for an article based on information to the Washington correspondent, T. B. Connery, by Fish. It states that official reports and private letters shown him by "a high official" [Fish] indicated that "the revolution of the patriots is on its last legs." See Connery to Fish, January 7, 1870, Fish Papers. The Secretary was trying to abate the war fever by a shrewd dash of cold water.

⁹ A report from General Quesada, undated, is published in the N. Y. *Tribune*, March 8, 1870. It asserts that the patriot troops numbered 61,693; they had 13 pieces of artillery, 16,000 rifles and guns, 3,558 pistols and revolvers, and 60,075 machetes.

¹⁰ Connery's dispatch in the *Herald*, January 7, 1870, inspired by Fish, quotes a letter from a member of the Cuban Junta to a Cuban friend which calls Lemus "a weak, inefficient, ambitious, and pompous official" who thought only of self interest. Another letter called Aldama a traitor; a third described him as "simply a money-bag stuffed full of gold and without an atom of discretion." Clearly the secret-service of the State Department was in good working-order. The Junta made a vitriolic reply in the *Tribune*, January 8, 1870. But Fish's shrewd stroke had produced much effect; see editorial comment in New York press.

revolutionary cause. But even his devoted efforts met with dissatisfaction.

Most of the later enterprises of the Junta came to an unlucky end. The only privateer to reach the high seas, for example, had an inglorious career. This was the *Hornet*, a Clyde-built iron paddle-wheel steamer of 870 tons which had been captured during the Civil War as a blockade-runner, and had at one time been used by Lincoln and his Cabinet as an excursion steamer. In June, 1869, the navy sold her to Sr. Macias, a wealthy Cuban naturalized as an American citizen, and notoriously a sympathizer with the insurrection if not an agent of the Junta. After some trouble in Philadelphia she got to sea in August, and went to Halifax. Sailing from this port on September 13, the *Hornet* coasted southward, receiving from several American vessels coal, provisions, a double crew of men, and armaments. Credited with 22 knots, she was expected to prey on Spanish shipping in the Caribbean. Her commander was Edward Higgins of Louisiana, and she had other American adventurers aboard—among them a nephew of Phil Kearny, and Prentiss Ingraham, a Mississippian who had fought for the Confederacy, for Juarez in Mexico, and for Austria against Prussia, and who later became a fecund author of dime-novels.¹¹

Early in October the *Hornet* startled everyone by putting into port below Wilmington, N. C., with the Cuban flag flying at her peak. Perhaps she did so for lack of coal, perhaps through Captain Higgins' treachery; but more probably to present a test-case—that is, as the *World* put it, to embroil the United States with Spain. At any rate, Fish accepted the challenge. A Federal Commissioner promptly arrested her for violating the neutrality laws and for lacking proper papers. Her race was over. The captain and most of the crew were discharged, but the vessel was libelled by the Federal authorities, and the real owners, the Junta, dared not come forward lest they expose themselves to the penalties of the neutrality laws.¹² This ended forever the privateering efforts of the Cubans.

Equally sorry was the mismanagement of the Southern filibustering expedition arranged for the steamer *Lilian*. Early in the autumn she

¹¹ The *Hornet* is fully treated in PRO, FO 5, 1192, Memorandum on American Neutrality in the Cuban Conflict, prepared in the British Legation and sent the British Foreign Office with Thornton's No. 129 of April 4, 1870. See also Fish's dispatches to Sickles, October, 1869, State Department MSS, Spain, Diplomatic Drafts; N. Y. *Tribune*, October 5, 7, 1869.

¹² PRO, FO 5, 1192, *ut supra*; Fish's Diary, October, 1869, *passim*.

slipped out of New Orleans by night; proceeded to Cedar Keys in Florida; and there took aboard nearly 350 armed men, mostly Cubans, under General Goicuria. Many of them had openly come down from New York by passenger steamer and rail. Before the Federal authorities could intervene, the *Lilian* sailed. But through cowardice or bad seamanship she actually went clear around Cuba without landing, and then, needing water and fuel, put in on October 8 at one of the Bahamas. Here a British warship took possession of her, and she was declared forfeited to the crown.¹³ The little expeditionary force of some three hundred men, ragged and crestfallen, scattered to the four winds—Goicuria escaping to Cuba, where he was soon to meet a tragic end.

Meanwhile, in Cuba itself military operations were being conducted without general plan, and with decreasing attention to discipline or cohesion. But despite inefficiency on both sides the war went on as savagely as ever. The rebels all fall and winter, under Cespedes' orders, systematically fired canefields, sugar-mills, and plantation dwellings, drove off cattle, and terrorized the loyalists—copying Sherman's methods in Georgia. The Volunteers gave prisoners "the usual four shots in the back"; insurgents retaliated by stringing Spanish officers head down over a slow fire. When General Quesada, tall, spare, melancholy, visited Washington in March, 1870, and talked with sympathizers at Senator Pomeroy's house, he shocked his hearers by a frank explanation of his retaliatory measures in putting to death more than six hundred prisoners. Cholera, smallpox, yellow fever, and malaria exacted a deadly toll on both sides. With Spain impotent to crush the rebellion, with the guerrilla bands unable to win it, with plunder and profit tempting powerful interests to prolong the struggle, many sober citizens of Cuba were in desperation. The *Tribune's* correspondent wrote in November, 1869, that a great part of the Spanish population of the island desired peace on almost any terms. In Havana men even talked of trying to agree upon some prominent American, say Robert E. Lee, as dictator for ten years.¹⁴

And while the rebellion raged the danger of incendiary "incidents"

¹³ *Ibid.*

¹⁴ The British Minister in Madrid, Layard, wrote Clarendon March 12, 1870 (PRO, FO 115, 501): "Senor Sagasta informed me yesterday that the accounts recently received by the Spanish Government from Cuba were very favourable to the Spanish cause, and that progress was now being rapidly made in putting down the insurrection." Layard showed incredulity, and told Sagasta that "it appeared to me to be of the utmost importance to Spain that in the present temper of the people of the United States" the "outrages committed by the Volunteers" be stopped.

was ever-present. Indeed, one irritating act—seizures of property, arrests, even murders of Americans—followed another. Our able consul in Santiago participated in an illuminating episode. Late in February, 1870, Phillips protested against the arrest of a naturalized American, one Portuendo, in that city. Portuendo was summarily shot, and the consul sent an indignant report on the subject to Fish. A few days later the American sloop *Champion*, bound to Kingston, was driven into Santiago in distress. For a slight irregularity in her papers she was detained, and the captain and crew were made prisoners. Phillips protested vigorously, and obtained the release of both vessel and men; but he had no sooner done so than an attempt was made to poison the captain! Naturally he complained of this villainy also. At that moment newspapers arrived from Havana containing translations of the before-mentioned report which Phillips had made to Fish upon the disorderliness of the Santiago district, and the ferocity and greed of the Volunteers. Amid great excitement, the Volunteers held a meeting and resolved to assassinate him that night. Fortunately Phillips was warned. In high alarm, the British consul beside him, he hurried to the governor and demanded protection. The governor confessed he was unable to guarantee it, and advised him to leave. Phillips, escorted by armed friends, then boarded a steamer for Jamaica—leaving his property at the mercy of the Volunteers.¹⁵

In short, it was impossible for an American representative to remain in Santiago or other hotbeds of loyalist fanaticism without risking his life! In the spring of 1870 Fish had to ask the dismissal of the Spanish consul in New York. This officer, another fanatic, had not only involved American ships going to Cuba in trouble and loss by deliberately misleading instructions, but had sent the Havana authorities mendacious gossip relating to Britons and Americans in Cuba, imperilling their lives.¹⁶ Meanwhile, the Havana newspapers *Diario* and *La Voz de Cuba* were filled with inflammatory utterances against the “insolent Yankees.” They delighted in picturing the Spanish lion as suddenly awakening and tearing the American eagle into bloody shreds. The Spanish Clubs in Havana and Santiago adopted resolutions declaring that American recognition of Cuban belligerency must instantly be treated as a *casus belli*.

¹⁵ See full account in Kingston dispatch to N. Y. *Tribune*, March 24, 1870.

¹⁶ *Diary*.

II

In December, 1869, the question of the gunboats was fortunately terminated. Fish had always been uneasily aware that it was improper for our government to hold the property of a friendly nation indefinitely on a mere executive order. Detention of the flotilla had aroused great indignation in Spain. The semi-official *Epoca* of Madrid declared that the nation must arm "and give those who treat us in an unfair manner to understand that, if this course is continued, we will *fight* them."¹⁷ The question was properly one for the courts. It could be brought before them, as Fish told Grant and Robeson, by libelling the ships upon the ground that their construction had violated our neutrality laws, and a request could be made for a prompt decision. "The President and Robeson," he wrote in his diary,¹⁸ "at first dissent from the view that we should expedite the proceedings. I allude to the possible claim for damages by detention; the risk to which the vessels are subjected; the position in which we shall stand before the world, appearing to litigate and to delay and then defeated in our own courts, and also the still worse position in case of fire, either accidental or incendiary, while the vessels are thus held; whatever the facts, we shall be charged and by many believed to be in collusion with the accident." Grant thereupon directed the Federal Attorney Edwards Pierpont, to libel the vessels and ask the court for an early judgment.

At this the Spanish Minister grew impatient. Blaming the Peruvian envoy, Freyre, for various obstructions, he burst out to Fish:¹⁹ "That fellow is an Indian!" He was also uneasy over the prospect of a long, involved lawsuit, and pestered the irritated Secretary with visits and messages. When the Marquis de Chambrun called to convey some

¹⁷ Sickles to Fish, November, December, 1870; State Department Dispatches. The Spanish feeling was exaggerated in the American press; see *N. Y. Tribune*, November 24, 1869, which speaks of Spanish threats of war. The *Tribune* files offer evidence that Sickles was writing Greeley in inflammatory vein.

¹⁸ Diary, November 20, 1870.

¹⁹ *Ibid.* Thornton wrote Clarendon on November 29, 1869, that he believed the gunboats had been held out of regard for the precedent with the Peruvian monitors, and not from any unfriendly feeling toward Spain. The Spanish frigate Pizarro had arrived in New York to escort them to Cuba. Fish had told Thornton "that his government would be glad if the court by their sentence" should permit release of the gunboats. PRO, FO 5, 1163. It appears that the United States had detained the gunboats the previous summer when Grant thought of recognizing Cuban belligerency. When Fish prevented this and relations became calmer, the Administration had to find a way of letting go the bear's tail.

voluble complaints by the Spanish Minister, Fish spoke sharply.²⁰ "It is not within the province of the State Department to direct the proceedings of the courts or of the district attorney. My department can only direct the foreign policy of the government, and I presume that Mr. Pierrepont will help us carry it out. I advise you to keep Minister Roberts as quiet as you can. He should restrain his excitement, which simply makes capital for the Cuban sympathizers; and he should stop troubling me continually with such matters. I am getting tired of it." The Secretary admitted to Thornton that he would be only too glad if the court ordered the vessels released.

But the matter was quickly adjusted outside the courtroom. The builder Delamater, determined to protect his property, told Freyre that he would hold Peru financially responsible for any losses incurred.²¹ As a matter of fact, Peru had had no leg to stand on—eighteen months earlier she had received two monitors in the United States upon the ground that no active war existed with Spain, and after pledging herself not to use them against that country. Now Lopez Roberts offered a similar pledge that the gunboats would not be used directly or indirectly against Peru; in December orders for release were given;²² and in January, 1870 they left New York Bay. Fish was acting on the principle laid down by Seward: "War can be levied without authoritative declaration of war; peace may be restored by long suspension of hostilities, without peace being made."

The release naturally elicited hot protests from the Cubans and their sympathizers. A curious scene had occurred at the White House on December 13.²³ Grant sent for Secretary Fish. An obscure New York attorney named Lowry was demanding to be heard on the gunboats. Apparently anybody could take up the time of the President and Secretary of State; at any rate, this Cuban agent consumed two hours—Boutwell, Belknap, and Creswell also being present at intervals! He read affidavits to prove that a state of war existed, exhibited a map with most of the island colored blue to show rebel territory, and insisted that the gunboats be held, basing his plea on a phrase in the Neutrality Act applicable to a "colony, district, or people" at war. Fish sharply contradicted several of Lowry's statements. "When he closed,"

²⁰ Diary, November 28, 1870.

²¹ Diary, November 29, 1870.

²² F. E. Chadwick, *Relations of the United States and Spain*, Diplomatic, 300; Diary, December, 1869, *passim*.

²³ Diary.

Fish records, "I remarked that it would not do for a nation to determine the question of peace and war, and to admit another member into the family of nations, on *ex parte* affidavits taken in a lawyer's office; that the United States could only recognize patent facts and actual war, and that the very fact of taking these affidavits showed that the grounds on which alone the state of war could be known to the nations of the world did not exist." But the most remarkable feature of the occasion was the position taken by Grant. He expressed views whose confusion can be done justice only in Fish's ironic summary:

President does not think the state of war, etc., exists. The only point that has impressed him is that made with regard to "colony, district, or people." He expresses the opinion that the gunboats cannot reach Cuba, and strong sympathy with the Cubans. Does not think Spain will regain control of the island, but the Cubans are inefficient and have done little for themselves—come here in large numbers and make trouble for us. Did not know the boats would be released so soon—thought the case would not come up before the 20th; had not before heard the point about "colony, district, or people." After about two hours Lowry left; the President desiring him to see the Attorney-General, who is the "law-adviser" of the Government, to present this question about "colony, district or people" to him.

I told the President it had been considered and Judge Hoar did not think it had any bearing on the case.

III

Fish, anxious to leave the interventionists no loophole, pressed constantly for a settlement of American claims and the release of embargoed estates. Marshal Prim was still in power in Madrid as president of the Council of Ministers, but it was a restricted power. He still played with the idea of setting Cuba free for an indemnity guaranteed by the United States, but he could do nothing till the throne was filled. Fish thought it best to drop that plan, and give more time to American claims for damages.

With equal pertinacity he urged an emancipation law applicable to both Puerto Rico and Cuba.²⁴ We have already noted that the Spanish Government had announced in November, 1869, a list of Puerto Rican reforms, including gradual emancipation. But this programme still had to be pushed through the Cortes; while no definite proposals whatever

²⁴ His demands had been vigorous since the previous spring; see Fish to Sickles, June 29, 1869, State Department MSS, Spain, Diplomatic Drafts.

were made as to Cuba. Twice during the fall Spanish leaders had assured Minister Sickles that they would devise a scheme for the progressive abolition of slavery in the larger island, but these promises were ominously vague.²⁵ Knowing that the Cortes would meet again in January, just before Christmas Fish spoke brusquely to Lopez Roberts. Spain ought, he said, to liberate immediately all children thenceforth born to Puerto Rican slaves, and all other children on their arrival at a certain age, say fourteen; and she should provide for the extension of this law to Cuba the moment the insurrection ended. "It is important," he added caustically,²⁶ "to have action and results, not mere promises." As a result of these representations, which Caleb Cushing at Fish's request strongly supported, Roberts telegraphed his government a long message urging legislation of the kind Secretary Fish desired²⁷—legislation which in time would end insular slavery forever.

Early in 1870 Fish hoped that adequate measures would actually be taken in Madrid. Lord Clarendon instructed the British Minister there to support the American efforts with the utmost energy. The successive colonial ministers, Senors Becerra and Moret, were favorable to action; Castelar, the republican leader, was insistent upon radical reforms, including Cuban autonomy; and Liberal members of the Cortes from Puerto Rico took an aggressive stand. But powerful vested interests were opposed. Recent quotations on Cuban slaves had dropped to \$200–\$300 for adults, but were rising again, and even at such prices half a million slaves were worth an enormous sum. Royalists and other conservatives joined with interests supported by the old plantation system to cripple the proposed legislation. After long delay, and under Castelar's threat of an interpellation, the government on May 28, 1870, introduced in the Cortes a bill upon slavery—but a bill which filled Secretary Fish with disgust. It had obviously been shaped to suit the slave-owners. He wrote Sickles an angry letter,²⁸ declaring that it was not a bill for honest emancipation at all. "It may rather be called a project for relieving the slave owners from the necessity of supporting infants and aged slaves, who can only be a burden, and of prolonging the institution as to able-bodied slaves."

This indictment was perfectly valid. The law provided that all chil-

²⁵ See the official pamphlet, *Correspondence of the Department of States in Relation to the Emancipation of Slaves in Cuba* (1870); 24 pages of correspondence, 1869–70.

²⁶ Diary, December 23, 1869.

²⁷ Diary, December 24, 29, 1869.

²⁸ Fish to Sickles, State Department MSS, Spain, Diplomatic Drafts.

dren of slave mothers born after its passage should be free—but made no provision whatever for their support. It provided that all slaves born between September 18, 1868, and the publication of the law might free themselves upon payment of \$50—but to gain this sum, as everybody knew, they would have to spend some of the best years of their lives in servitude. Finally, all slaves who reached the age of sixty-five (later amended to sixty), when their powers of labor were declining, and when they might be supposed to have earned some right to support in their few remaining years, were to be turned adrift and given a freedom which would then have ceased to be desirable. Secretary Fish could not believe that the Spanish liberals would support such a bill. Under its provisions the nineteenth century would almost expire before any material impression had been made upon the status of the laboring class; total emancipation would not be achieved until 1930. He instructed Sickles to remonstrate sharply: ²⁹

You will state, in a friendly but decided manner, that this government is disappointed in this project; that it fails to meet the expectations that had been raised by the various conversations with you; that in the opinion of the President it will produce dissatisfaction throughout the civilized world, which is looking to see liberty as the universal law of labor; that it will fail to satisfy or pacify Cuba; that peace, if restored there, can be maintained only by force so long as slavery exists, and that our proximity to that island, and our intimate relations with it, give us a deep interest in its welfare. . . .

But despite foreign opinion the bill passed essentially unchanged. An amendment proposing the emancipation of all slaves on January 1, 1872, was supported by Castelar in a brilliant speech, of which John Hay sent an admirable translation to the State Department; but it failed.³⁰ The fact was, as the British Minister Layard reported to Lord Clarendon on June 1, 1870, that the Spanish Ministers had deluded themselves into a belief in the speedy termination of the rebellion.³¹ That adroit trimmer Sagasta referred Mr. Layard in May to a dispatch

²⁹ Fish to Sickles, June 20, 1870, No. 65; State Department MSS, Spain, Diplomatic Drafts.

³⁰ Sickles to Fish, June 26, 1870, No. 21, State Department MSS.

³¹ PRO, FO 115, 501. The Madrid Government had its cocky movements. Thornton wrote Clarendon March 14, 1870: "My Spanish colleague says that he hopes very shortly to conclude with Secretary of State a Convention by which the United States will grant a round sum to Spain as compensation for damage done her by the expeditions which in spite of the efforts of United States authorities have escaped hence to Cuba." PRO, FO 5, 1192.



FISH AND THE JINGO PRESS

Fish. "Please take my card to the Editor of War, and inquire if the war with Spain is over, as I wish to make arrangements for signing the Treaty of Peace."

(Nast in *Harper's Weekly*)

the Colonial Minister had just read the Cortes, stating that the principal insurgent families were surrendering and that the insurrection might be considered "morally" at an end. The boasts of the incompetent De Rodas were being accepted at face value and Spain was stiffening its neck. Sickles did not receive Fish's remonstrance in time to present it before the bill became law, which was fortunate, for it would only have antagonized the Ministry. But he did present it later.

American sentiment agreed completely with Fish upon this issue. By prompt, generous, and far-sighted measures against slavery, Spain might have done much to conciliate the Cubans and raise up friends in the United States; instead, by her stubbornness she deepened the hostility of the island masses and the distrust of the American people. At the same time arrived a piece of sickening news. On the night of May 6 the Cuban general, Goicuria, was haled into Havana in triumph; a drumhead tribunal sat immediately to condemn him to death; at 4 a. m., he was taken to the Morro; and at eight he was garroted. *Harper's Weekly* published an effective sketch: the palm-fringed promontory overlooking the sea; dawn gilding the sails of vessels passing in front; a hollow square of soldiers, with a band playing a dead march; the bearded Goicuria in a tattered smock on a platform high above the crowd; and behind him the iron chair, with the executioner ready to twist the fatal lever. Spain still maintained her policy of ferocity.

On May 28 Fish had a significant conversation with Thornton on Cuban affairs. Seeing no prospect of victory for either side, lamenting the destruction of life and property, he urged that Great Britain and the United States make "independent but simultaneous" representations to Spain. What kind of representations? asked Thornton. It would not be amiss, replied Fish, to warn Spain in strong terms that unless the war were speedily ended the United States and Great Britain would be obliged to interfere. Thornton pointed out that such threats should not be made unless the two governments were prepared to carry them into effect. At any rate, replied Fish, the two governments might declare that continuance of the warfare would oblige them to give serious consideration to the propriety of measures for abating so serious an injury to their peoples. The conversation indicated Fish's despair over the problem.³²

³² Diary, May 28, 1870.

IV

Meanwhile, the grand drive for recognition of Cuban belligerency had begun in Congress in February, 1870. Though John A. Logan offered a resolution in the House and delivered a speech, the first arena was the Senate. On February 2 Senator Carpenter made an inflammatory address upon the pending neutrality bill to prevent the employment of American ships, arms, or munitions against the people of any rebellious colony or province—a bill intended to estop any further gunboat-building. Oliver P. Morton followed with a fervent oration on the 9th. He spoke of the “atrocious and satanic barbarism” of Spanish warfare; he declared that the Monroe Doctrine applied to Cuba, and that we should regard Spain’s continuance in the island “in the light of a sufferance or toleration, rather than because of the existence of a valid title.” Two days later John Sherman introduced a resolution for recognition of belligerency. The people were tired of the long inaction of our government, he said; they would not submit to further silence. These voices were all from the idealistic, expansionist Middle West. But Sherman was one of the most cautious and practical of statesmen, and all observers assumed that he had not acted without expectation of general Senatorial support. On the 16th Chairman Banks introduced a resolution in the House looking to a recognition of Cuban belligerency.³³

Meanwhile, meetings were being held in various centres. One in New York on January 19 was addressed by Horace Greeley and Cassius M. Clay. The press was opening again in full voice. During February the *Tribune*, *Herald*, and *Sun* in New York teemed with interventionist articles and editorials. Greeley, recalling the position of his idol Henry Clay upon South American liberation, rose to heights of genuine eloquence in pleading for action. The publication on February 23 of the State Department’s recent correspondence (October-January) on the Cuban question aroused him to indignant fulmination. Patient waiting, endless note-writing, had accomplished nothing; Spanish

³³ *Cong. Globe*, February 2, 1870; *N. Y. Tribune*, February 3, 10, 12. On the 19th the *Tribune* published Carpenter’s speech complete, nearly a full page of fine type. Thornton wrote Clarendon February 21, 1870, that new rebel successes and Volunteer outrages had increased the feeling for recognizing Cuban belligerency. “But Mr. Fish assures me that the government maintain their opinion of the inexpediency of such a measure, although he seems apprehensive that it may be forced upon them by the action of Congress.” PRO, FO 5, 1191.

slavery, oppression, and massacre were as defiant as ever. The question of war in Cuba, he wrote, had now passed from the narrow channels of diplomacy into the great ocean-tides of national feeling. "It is no longer the mere property of a Cabinet, to be sat upon by a number of councillors with locked doors. It is a question for the grand jury of the American people. . . . The question has now been delegated to Congress. It is for Congress to act:—our word for it the Administration will gladly execute its uttermost behests." And E. C. Stedman burst into a poetic appeal for Cuba.³⁴

Hear ye not? Hear ye not
 From the hollow sea the sound of her voice?
 "Alas, my brothers! Alas, what choice—
 The lust that shameth, the sword that slayeth?
 They bind me! They rend my delicate locks;
 They shred the beautiful robes I won me!
 My round limbs bleed on the mountain rocks;
 Save me, ere they have quite undone me!"
 Hear ye not?

This movement, coming at the same time as Consul Phillips' flight from Santiago and news of the murder of still another American citizen, one Greenwald, gave Fish great uneasiness. His record of the Cabinet meeting of February 15 reflects his anxiety:³⁵

All present. Read Consul-General Hall's No. 50, Feb. 7, account of murder of Greenwald. The President remarked that it looked as though Congress would very soon determine to grant belligerent rights to Cuba.

I observed that I hoped those who had that object in consideration would before acting carefully examine the treaty of 1795 with Spain; that if belligerency is to be accorded to Cuba, I thought it right that the expression in favor of it should first come from Congress, as the war-making power belongs to them, and I thought the recognition of belligerency would soon be followed by war.

Creswell asked, "How soon?" I reply, "I cannot tell; probably in less than six months, possibly in a few weeks."

I then refer to the provisions of the treaty, and the right of visit secured by it to Spain when a recognized belligerent; the large amount of our coast-wise commerce passing near Cuba; that even if the right be exercised merely for self-protection, our people will be indignant at the arrest of our vessels, and will resist and retaliate, etc. If, as is probable, the internal dis-

³⁴ N. Y. *Tribune*, February 23, 1870.

³⁵ Diary, February 15, 1870.

sensions of Spain induce them to make the concession of belligerency a cause of complaint, they may either exercise the right of visit offensively, or for the purpose of annoyance, or they might in their folly even make it cause of war, with a view of diverting the attention of their own people from their internal political condition.

I referred to the uselessness of such recognition, so far as material aid to the Cubans is concerned; that now they can procure all the arms and munitions, etc., they can pay for, and they are protected under our flag to within three miles of their shore. If we recognize belligerency, we are not allowed to furnish . . . arms and munitions of war, and vessels carrying them will be subjected to search.

The President's only remark was, "If there come war, we must try and be prepared for it."

Fish was intent upon avoiding any acts which jingoes could capitalize:

Robeson spoke of having given authority to the Spanish war vessels to be docked in Boston; said it was an universal act of comity, etc. I thought it unfortunate at this time; asked if application had been made by the Spanish Legation; it had. I said it was irregular; they had no right to make application to any department, except through the State Department; that Roberts had spoken to me about it, and I had advised him not to make application for the use of a government dock, but to use some private dock. The President directed that they be told that the government docks are in use, and cannot be allowed to them.

In his anxiety, Fish called upon Senator Sherman to protest against his course.³⁶ When Sherman confessed that he had not read the treaty of 1795, the Secretary expatiated upon the dangers which that compact presented. "He admitted that he had not examined the subject closely, but said there is a good deal of excitement in the country on the subject." Fish grew sarcastic. "I advised him in connection with the passing of his resolution of belligerency to prepare bills for the increase of the public debt, and to meet the increased appropriations which will be necessary for the army, navy, etc."

But Fish's deepest concern was over the attitude of the President. Would he stand fast? Or would he yield to the interventionists, who included his brother-in-law Louis Dent? Nobody could ever predict Grant's course a fortnight in advance, and Fish was hearing unhappy rumors: ³⁷

³⁶ *Ibid.*

³⁷ Diary.

February 19, 1870. . . . A few evenings since (on Thursday the 17th) I accompanied the President to a party at Col. Forney's [John W. Forney, owner of the *Philadelphia Press* and *Washington Chronicle*]. Forney took me aside and asked if there was any truth in the rumor that "the Administration was about to change front on the Cuban question." [On my] replying that I had seen no evidence in any quarter of a disposition to change, he replied, "I am glad; that is right—stand fast where you are." . . . The question at the time excited some surprise. Today General Cushing tells me that on Monday last Mr. Paige (of the firm of Dent & Paige) asked Forney if he had not better change his attitude on this question; that he thought the time had come to do so; that "The President intended to change the attitude and policy of the government on this subject," and added to Forney, "You had better be in time—there is money in it."

Cushing added there is a strong impression of feeling prevailing that "in France the Empress makes some politics." He says that one Taylor of whom he formerly spoke insists to Roberts that he can prove and establish that members of Congress have received money for their support of the Cuban cause, and that he, Taylor, is willing and anxious to furnish the proof.

Cushing asks if I think advisable that it be furnished. I reply, "Yes, if it be reliable and conclusive."

In opposing the interventionists Fish was staunchly and most effectively supported by Sumner. The Senator could have used the old Yankee simile, "A meetin'-house ain't sotter." His speech at the Worcester Convention in 1869 had contained a trumpet-blast against intervention; he had constantly insisted that "belligerency is a fact," that the Cubans had not achieved it, and that Washington had no legal right to confer it until the rebels established a true capital and a true government. He restrained the Foreign Relations Committee from hasty action on the resolutions referred to it. Sherman's resolution in particular was held in abeyance. During the delay Fish made efforts to strengthen his position. The State Department correspondence published on February 23rd contained a sharp letter to Sickles on the flagrant violations of law by the insurgents. Fish pointed out that if the Junta had legally shipped arms and munitions to Cuba, instead of trying illegal filibustering operations, and if the leaders had gone to Cuba to fight instead of staying safe in their Broadway headquarters, the war in the island might have been far more successful. This plain-spoken epistle made an impression on American sentiment. So, also, did rumors that the Junta had been bribing Congressmen.

In protecting his rear from attack by a stern tone with regard to

American claims for property seized and citizens killed, Fish remonstrated repeatedly with Minister Roberts. "Your government," he said,³⁸ "is endangering the relations of the two countries." Particularly was he irritated by Spanish reluctance to release the ship *Colonel Lloyd Aspinwall*. On a lawful voyage from Port au Prince to Havana, carrying dispatches from our Haitian Minister, the vessel had been arrested by a Spanish warship on January 21. She was turned over to a prize court. After three months of vexatious delays, Fish's patience was exhausted. On April 22 he told the Cabinet that if words availed nothing, acts must follow:³⁹

Read recent telegraphic correspondence with Sickles, and suggested that more decided measures seemed to be imminently necessary. Spain is trifling with us; promises fairly but performs nothing. President suggests writing or telegraphing Sickles that unless the *Aspinwall* is released, we will detain the Spanish war steamer now in New York. I think we should not threaten this, but if it is determined as the best course, to seize her first, and give notice that she will be released on release of the *Aspinwall*, and satisfactory explanations. Hoar suggests immediate arrest, and Robeson seems to concur; says he can do it. I enquire, has he the force to do so? Hoar replies, "We have all New York." I answer, "Yes, but will all New York prevent her discharging her guns, and what is to answer them?" "That would be war." . . .

I call attention to the condition of the Spanish Ministry—their weakness at home, and probable willingness for a war, in which to lose Cuba would involve no national dishonor. I think that possibly they may give the orders for the release of the *Aspinwall*. If not, we may direct Sickles to ask his passports and return. This would not necessarily be war and might not lead to it, though possibly and perhaps probably it would. . . . President directs a telegram to Sickles not to withdraw his note. Robeson is to report the present condition of the frigate and matters to remain until Tuesday.

Fortunately, that day Sickles cabled that Madrid had ordered the ship immediately released.

Nor did Fish neglect the opportunity offered by reports that the Junta had been distributing Cuban bonds among lobbyists, Congressmen, and newspapermen. Attorney-General Hoar directed Caleb Cushing to take charge of a special investigation. The evidence that Cuban agents had tried to bribe Representatives was so impressive that the Department of Justice considered indicting Lemus and Ruiz, and Caleb Cushing believed that conviction would follow.⁴⁰ In March he gave

³⁸ Diary, April 13, 1870.

³⁹ Diary, April 22, 1870.

⁴⁰ Diary, March 10, 1870.

Fish information upon the Congressmen approached—Deweese of North Carolina, Golladay of Kentucky, Butler of Tennessee, Shanks and Williams of Indiana, with others. Three had privately testified to the improper proposals. Cushing had also obtained a list of half a dozen agents. He said that Lemus and Ruiz had separately offered contracts to a group of Representatives, each agreeing to deposit two millions in bonds with the Peruvian Minister; and he expected to procure one of the contracts. Fish urged early action, but convincing evidence proved elusive, and during May the subject dropped from sight.

Then early in June it was opportunely revived by the New York *Evening Post*, which published a long and circumstantial article upon Cuban efforts to bribe members of Congress. On June 10 the Washington correspondent, W. Scott Smith, was haled before the bar of the House, and an inquiry by a select committee of five ordered.⁴¹ It came to nothing. But beyond doubt many bribes had been offered—and some taken. The spring-long discussion of bribery, and the general impression that the charges were in part true, did something to discredit the interventionist movement.

V

But it was far from doing enough. Neither evidence of corruption, nor belated Spanish concessions on American claims, nor the weakness of the revolt, damped the fire of Cuba's countless friends. Public sentiment was such that any event like the *Maine* explosion would have made war inevitable. And as the drive continued it centred more and more vindictively upon Fish. Certain habitués of the White House were trying to divide him and Grant. Senators Morton, Carpenter, and Chandler were eager to thrust him from office. By May a cabal had developed against him as aggressive as that which forced Seward's temporary resignation in December, 1862. As the month progressed his position became almost intolerable.

The only way to stop the drive was by a firm Administration stand. Perceiving this, Fish resolved that a message must be sent to Congress dealing with Cuba; that it must argue conclusively and emphatically the folly of recognition; and that above all, it must show that Grant

⁴¹ *Cong. Globe*, June 8, 9, 10, 1870; *N. Y. Tribune*, June 9, 10, 11. Fitch of Nevada and McCormick of Missouri entered excited denials of the charge of taking Cuban bribes.

was firmly behind the State Department. He conceived of this message as an exposition of our historic policy of neutrality, with ample citations of precedent, and a discussion of the Caribbean problem as a whole, with attention both to Cuba and Santo Domingo. He wished to emphasize America's special concern with that area, but to point out once more that Cuba as yet had no claim to belligerent status.

On May 31 Fish read a draft of this message to the Cabinet.⁴² Attorney-General Hoar and Secretary Robeson warmly sustained his view that it would do much good, and Jacob D. Cox seconded him more mildly. Creswell was dubious, Belknap silent. The one opponent was Boutwell, who suggested that it might be regarded as discourteous to the Senate. But Grant said, "I approve every word in it"—except a passage speaking of John Quincy Adams in terms of eulogy. Fish was greatly heartened, for he felt that it was absolutely indispensable to put an end to the mischievous gossip that Grant and he did not agree upon the principal issues of foreign policy; gossip that his enemies were spreading in every direction.

But Grant, stubborn in some matters, was in others as unstable as water. Next day Fish took the finished draft of the message to the White House. He found Boutwell closeted with the President, and as he entered Grant exclaimed, "Oh, here's the document now." Evidently they had been discussing it.⁴³ Grant proceeded: "I have been thinking that it would be better to have the paper called for by a resolution which we would get someone to offer than to send it as a message. It could then go in as a report from your department." Fish reddened. Such a course would utterly defeat his main object. He bluntly said so—the paper would lose all effect if it came as a report from a Department; what was needed was Grant's expression, not his own; Senators were declaring that the President and Secretary differed upon foreign policy, and the talk of a disagreement would be increased, not lessened, by this procedure. Still Grant objected. "I will write a message endorsing and adopting the report," he said. The sole reason he gave for his change of mind was the trivial excuse that the style of the message was so different from his that everyone would see that he had not written it. "Quite true, quite true," chimed in Boutwell. Indignant and dejected, Fish took his leave.

⁴² Diary.

⁴³ *Ibid.*, June 1, 1870.

That evening he went to Robeson's house to pour out his resentment. He writes: ⁴⁴

I had a long conversation with Robeson, and told him that I do not feel inclined any longer to be the mark and object of all who want to criticize the foreign policy of the Administration—who insist to the public upon a difference between the President and myself, and assail me; that the plan proposed by the President would still give ground for drawing that distinction, in fact it would sanction it—it is wholly unusual; that if the policy I have urged and pursued be approved by the President, as I know it is, it is due to me that he assume it, and present it under his own signature, and not leave me to be still longer assailed by those who would not dare assail him. That we are being disintegrated by reason of the absence of apparent identity and unity, each Secretary attacked separately, and I more violently and virulently than any other.

I do not desire to remain in the Cabinet—I came reluctantly and at great sacrifice of comfort and of feeling, and would be glad to be relieved. He remonstrates, very kindly, against the suggestion of my resigning, but admits that I have a right to be protected by the President's actual assumption of the views and policy which have been pursued under his direction.

On June 2 there was a memorable scene in Grant's second-floor office at the White House. Fish, a determined look on his face, called immediately after breakfast. Grant was smoking his cigar; Conkling was chatting affably with him. Somewhat uneasily, Grant told the stern-faced Secretary that he had prepared a draft-message to be sent in with the report from the State Department, and picked it up to read it. Fish checked him. "I remarked," the Secretary writes, "that upon careful reflection I had come to the conclusion that that course (as proposed) would not answer." He thereupon faced the President and in his most formidable manner gave him an ultimatum: the report would go in as Grant's own message, or he would resign. He proceeded to furnish his reasons.⁴⁵

It was a salutary bit of frank speaking. Not only did Fish say that the mere sending of a report to Congress would arouse little notice or comment; not only did he protest again that the course would strengthen the idea that the President had a foreign policy distinct from the Secretary's. He bluntly declared that the Administration lacked unity and was without true leadership. It had no single policy. There

⁴⁴ *Ibid.*

⁴⁵ Diary, June 2, 1870.

was a policy of the State Department, a policy of the Treasury, a policy of the Interior, but none of the Administration in its entirety. Nothing had been done to keep the Departments standing together; each was being assailed separately, and each would in turn be broken down. What, he demanded, would happen if his paper were transmitted as a mere report? The Democrats would assail it as an Administration measure. Part of the Republicans, having no clear lead from the President, would also attack it. He and his policy would be left weaker than ever. The President's objections to the style had no force, for earlier Presidents had frequently asked other men to write their papers; he had heard Albert Gallatin say that Jefferson rarely wrote his messages.

"My feelings, sir," he went on, "have been deeply aroused by this matter." For eight months he had been the object of continuous abuse and falsehood. The abuse directed against him had been far heavier than against any other member. "Occasionally Judge Hoar takes a considerable share. But it is mostly aimed at me because the President is continually quoted as not in sympathy with my foreign policy, and by no act of his is the public disabused." The implication was that Grant should have protected him from scurrilous attacks and contradicted the reports of a disagreement, and that he had lamentably failed to do so. "I have come to the conclusion," Fish ended, "that it will probably be best that I retire from the Cabinet."

Grant made several ineffectual attempts to interrupt Fish, but in his indignation the Secretary bore him under every time he spoke. The fact was that the President has been remiss, and knew it. The attacks upon Fish had been inspired by men who boasted their familiarity with the White House, men whom Grant could have silenced by a few words. Fish knew that Oliver P. Morton had recently written Dana of the *Sun*: "Continue your attacks upon Fish for ten days longer, and you will have him out of the Cabinet." He knew that N. P. Banks had written the editors of the *Herald*: "Keep up your fire on Fish." He knew that within a few days Logan, Banks, and other Republicans intended to join hands with Voorhees and other Democrats in a fierce assault upon him in Congress. He now served warning that the President would have to stand by his Secretary of State, or—before this assault occurred—the Secretary would leave. He did not intend to let the worst politicians in Washington cut him out of the Administration and ride him down while the President looked indifferently on.

As a matter of fact, Grant had meditated what was almost a piece of treachery toward Fish. He had spoken of a message endorsing Fish's report, but what he had actually written was rather a repudiation of it! Fish's diary states that the President expostulated, and—⁴⁶

He then read me the message he had prepared to accompany the report. At the conclusion I remarked that that paper would be construed as an entire dissent from the policy that had been pursued, and would really condemn his own course. I could not consider it an approval of my position, or of the paper I had read to him. He said that he intended it to be a cordial and entire approval and endorsement of all that was in the paper. (I thought it illogical and inconsistent but did not say so.) I said that it would not be regarded as approving, however it might be intended, and that it would certainly have the effect of confirming what the men opposing him, and abusing me, wished to have believed, that he differed from and disapproved the course that had been pursued. He said he wished to express his abhorrence of the "butcheries" practised in Cuba (in fact, in giving prominence to this he went much further and assumed a position inconsistent with his conclusion, as it seemed to me), and repeated the expression of his cordial "approval of every word and sentiment in the paper," but, he added, "were I to write it, I would make it much shorter—I would make it only about one third the length. I would leave out all that part about the Spanish and Portuguese colonies." Then, I replied, you would destroy the paper. It is . . . an historic exposition of the growth and development of the policy of the Government on the subject of its treatment of its relations with foreign governments, and deduces the policy pursued under your Administration as the natural growth and expansion, keeping pace with that of the country, from the necessarily limited and narrow policy of neutrality under Washington through the subsequent stages of sympathy, of commercial intercourse, then of friendship and recognition of these Spanish and Portuguese colonies; subsequently of treaty relations; of protection and support, down to the broader and more extended policy which proposed (as in the annual message) the doctrine that the islands are not subjects of transfer from one European Government to another, and which has practically exhibited itself in the treaty for the annexation of Santo Domingo, and is to gradually develop into protection or control of all the islands.

Confronted with Fish's ultimatum, Grant showed signs of surrendering. He instantly cancelled a trip that he had planned to Annapolis. "Send me the paper," he said, "and I will examine it and consider what I will do."

On June 10, while the matter was thus suspended in air, Ben Butler and Representative Orth of Indiana called upon Fish and divulged

⁴⁶ *Ibid.*

facts which made the importance of a Presidential message clearer than ever. A majority report of the House Foreign Relations Committee, proposing a joint resolution which would give the rebels the status of belligerents, was about to come to a vote. Orth anticipated a close result. The Democrats would of course vote for the resolution. Banks and Logan were telling the Republicans that Grant sympathized with them, and that it was the Secretary of State whose policy they opposed; and Banks would make an impassioned closing speech which he expected to decide some twenty or thirty wavering members. Only a message from Grant could spike his guns, and prevent party division both inside and outside Congress.⁴⁷

This was Friday. On Sunday Fish closeted himself at home and prepared an entirely new message for Grant's consideration; the President's special message on Santo Domingo having to some extent impaired the old one. Before breakfast on June 13 he laid it before Grant, and again argued that there was imminent danger of party disruption on the question—that designing men were trying to divide him from his Cabinet, and to disrupt the Administration.

Grant, still reluctant, confessed his real fear—the fear that a message on Cuba would cost his Dominican treaty some much-needed votes. Fish denied this. He pointed out that the same group which opposed a sane Cuban policy also opposed Dominican annexation, and that no strong advocate of the treaty except Senator Carpenter would be offended by the Cuban message. The great majority of thoughtful and intelligent people, he added, sustained the Cuban policy. Most of the attackers were either Democrats or unstable agitators and sentimentalists of whose loyalty the Republican Party could never feel assured, and with whom it could well dispense. “Well,” said Grant, as he was called to breakfast,⁴⁸ “have the copies made—it will at most be only the loss of that much labor.”

A few hours later the Cabinet gathered in its large room on the second floor of the White House. Here, arguing firmly and supported by several Cabinet members, Fish finally brought the President to take the decisive step. Grant still showed reluctance, still offered objections, and still wished to include in the message a vigorous attack upon Spain! He had written some blundering passages for this purpose. They alluded to the Spanish cruelties in Cuba, the “capture” of three American

⁴⁷ Diary, June 10, 1870.

⁴⁸ Diary, June 13, 1870.

vessels on the high seas (though Fish had told him that "arrest" was the proper word), the detention of American citizens, and so forth. Protesting energetically, Fish pointed out that the logical conclusion for a message so full of complaints against Spain would be a recommendation of war, not peace. Moreover, he told Grant that his charges were neither accurate nor complete, and that in a state paper of this type they should be both, or omitted entirely. Attorney-General Hoar and Secretary Robeson supported him. The entire Cabinet agreed that no existing facts would justify a recognition—even Creswell said so, though he declared that at one time he had favored a different course. Finally, still grumbling and hesitant, Grant withdrew most of what he had written and agreed to send the message.⁴⁹ Shortly after four o'clock on the 13th it went to Congress, where debate on the Cuban resolutions was about to begin.

VI

Of all the state papers signed by Grant during his Presidency, this was one of the ablest.⁵⁰ Referring to the December message, it assured Congress that there had been no change of conditions in Cuba which would justify recognition of the rebels as belligerents. It deplored the barbarities of the conflict, but without blaming one party more than the other; it condemned the injuries sustained by Americans, but also deprecated the efforts of rebel sympathizers to involve the United States in hostilities with Spain. A significant reference was made to the distribution of large sums in Cuban bonds. But the most emphatic passages were those which pointed out that the insurgents still had no valid claim to the status of belligerents. Their principal commander had recently admitted that they did not possess ten thousand guns, and that all imports of foreign supplies had been cut off. It was doubtful if the rebels had a true legislature, certain they had no civil administration. "The insurgents hold no town or city; have no established seat of government; they have no prize courts; no organization for the receiving and collecting of revenue; no seaport to which a prize may be carried or through which access can be had by a foreign power to the limited interior territory. . . ."

The message created a sensation. In the House, N. P. Banks sat bolt

⁴⁹ *Ibid.*

⁵⁰ Richardson, *Messages and Papers*, VII.

upright with astonishment. S. S. Cox took the floor to call it "the most impudent message ever sent to Congress." In the Senate, Sumner grinned with delight while Thurman angrily characterized it as a proclamation from the President to the Cubans to lay down their arms. Carpenter and others were preparing to follow in the same strain when Lyman Trumbull objected that a debate would displace the Apportionment Bill. The lobbies hummed with discussion.⁵¹ Many members regarded the message as an unwarranted attempt by the Executive to dictate to Congress; others declared that Grant had taken an impregnable position. The general supposition was that Caleb Cushing, whose detestation of intervention was well known, had dictated if not written the paper. Next morning the sensation spread to interventionist circles all over the East. The New York *Sun* and *Herald* were violently resentful. But the *Tribune's* comment showed how effective the message had really been. Greeley defended its propriety, pointing out that with debate about to begin on committee reports, Congress should be glad to have the President's facts and opinions. He disagreed with Grant upon the scope of the revolt, saying that patriotic secret societies honeycombed the island and the Spanish flag protected nothing save where Spanish bayonets gleamed beneath it. But his conclusions revealed a complete retreat. "We do not say Congress should recognize belligerent rights—that is a very grave question. We do say it should in every possible way give voice to the general desire of the people that the Cubans now struggling . . . for the right of self-government may attain it."

When the Cabinet met next day Grant was obviously nervous and irritable. The Banks-Logan group had been attacking and reproaching him. Somebody had told him that most members of Congress regarded the message as an insolent "veto in advance," while the *Times* correspondent had predicted it would raise a hornet's nest. "I fear we have made a mistake," he lamented. He assailed Sumner, talked violently of the "slanderers" of Babcock, spoke again of removing Motley, and leaped uneasily from topic to topic. In one breath he denounced a consul reported to be living with the divorced wife of his uncle; in the next he said that men who did not stand by the Administration would get no patronage. The correspondence of Admiral Poor with a Spanish admiral on diplomatic questions was mentioned. "He ought to

⁵¹ *Cong. Globe*, June 13, 1870; *N. Y. Herald, Tribune*, June 14, 15.

be recalled," said Grant. Finally he burst out against the Spanish Minister. "If Roberts again refers to the Ku Klux and the Piegan massacre," he declared, "I will give him his papers." Fish exclaimed, "Oh, Mr. President, you could hardly do that; that would be no cause in diplomatic usage for dismissing a Minister." At which Grant growled, "I have heard of his saying a good many things."⁵²

At that very hour debate on the message and on the report of the House Foreign Affairs Committee was beginning in the Capitol. Lasting for three days, it completely vindicated Fish's position. With the galleries full and the house expectantly hushed, Banks shortly after noon launched into a brilliant speech. He described the Spanish barbarities, denounced the wrongs done to American citizens, and declared that an actual state of war existed. Assuming that the message had been written by Cushing, Banks hinted that he was in the pay of the Spanish Government, the deposed Spanish Queen, and the United States all at once! Strategy forbade the Cubans to try to hold towns or fortified places, he declared; the Spaniards had been responsible for the first atrocities, and the Cubans had merely retaliated. His resounding periods met a wild burst of applause from Cuban sympathizers.

As he finished his speech Ben Butler, who had now fallen into line behind Grant, took some Cuban bonds from his desk and held them up significantly. An explosion on the floor was barely prevented, and a little later there was a violent cloakroom quarrel. Logan, fiercely approaching Butler, accused him of resorting to "a contemptible trick, worthy only of a police-court lawyer." "Yes," chimed in Bingham of Ohio, "there's a damned sight more Spanish gold than Cuban bonds in this matter, and you know it." Meanwhile Fitch, Mungen, and Swann had spoken for the Banks report, and Orth, Farnsworth, and Ambler against it. Next day the debate continued. Prominent lobbyists for the Cuban cause—Ruiz, General Jordan, Grace Greenwood—were again in the galleries. Fernando Wood and others spoke. Once more Butler and Logan clashed, the Illinoisan charging, apropos of the bond inquiry, that his opponent had sent spies "through the hovels and dens of Washington" in an effort to drag the names of fellow-members down among those of thieves and felons. Willard of Vermont caustically attacked the Junta patriots who never heard a bullet whistle, and

⁵² Diary, June 14, 1870.

quoted Jordan's confession that his unpaid troops lived on wild hogs and bananas as proof that Cuba had no real army.

On June 16th came the decisive vote. It stood 100 to 70 against Logan's resolution for granting—in effect—belligerent rights to the Cubans. By a majority of 14 the House then passed the Bingham amendment, which merely authorized the President to protest against the barbarities practised by both sides, and to coöperate with other governments, if he thought proper, in mitigating the horrors of war in Cuba. Fish's policy had been sustained.

The victory could not have been more timely. The New York press had explicitly stated that Fish would resign if the vote went against him. He had intimated to Thornton that this was true. After the Cabinet meeting on the 17th, Hoar, Robeson, and Cox gathered about him on the White House steps, their carriages waiting, and congratulated him warmly.

"It is the greatest triumph the Administration has yet achieved," declared Hoar.⁵³ "Yes," added Robeson emphatically, "the *first* triumph." They agreed that its effect upon Congress and the public would be beneficial and far-reaching. Fish, recording this in his diary, indulged in some exultant paragraphs:

I felt that the Cuban question was the one on which, perhaps more than any other, the sensational emotions of the party and of the country might be arrayed in opposition to what is honest and right. Believing as I do that the public sentiment, however much influenced by questions of sentiment and of supposed popular impulse, is sure eventually to be just and correct, I have pressed this question in the way I have done, and first tried the proposed message submitted a short time since. Finding the President would not adopt it, I tried the latter message, and he was induced with great hesitation and with much reluctance to sign it, and after it was sent in he told me that he feared he had made a mistake.

I never doubted the propriety of it nor the "policy" of it, in the mere sense of ordinary politics. It evoked a fierce debate and much denunciation, but it evoked also much good sense in the speeches of those who sustained it; an expression of good, sound international law and of honesty of purpose; and it brought the gravity of the case to the consideration of Congress; and the Administration, after the severest debate on a question of *foreign policy* which has occurred for years, was triumphantly sustained. In the mere and low sense of a political or partisan question, it has consolidated the party and [routed] those who are the demagogues and the disorganizers—the men who

⁵³ Diary, June 17, 1870.

follow a party so long as they can control it. In a higher view, it has shown that the representatives of the country can rise above the temporary and fervent appeals of momentary excitement of popular sympathy in support of the obligations of national duties, and in the line and direction of honesty and right, even when opposed by clamor and by appeals to passion.

Most sincerely am I thankful for the result, and that I have been a very humble instrument in bringing it to its conclusion. I have been most grossly maligned and assailed. At times I have been inclined to retire and abandon the cause, but I have felt it a duty to stand or fall with what I felt to be a principle.

VII

But in this eventful month one crisis followed another. The struggle over Santo Domingo was now nearing its close. As June opened, Grant still hoped to pluck victory from the jaws of defeat. His confessed fear that the message on Cuba would cost the Dominican treaty a few votes had been artfully encouraged by Babcock, who mendaciously told him that he thought Bancroft Davis the real author of the proposed message. This double-dealing, combined with Perry's charges, first definitely awoke Fish's suspicions against the President's secretary. "I fear that Babcock is a mischief-maker and insincere," he wrote in his diary for June 3. He added:

I told the President of the charges Perry makes against Babcock, and that I had required him to put them in writing, which he promised to do. The President had heard of them; says Perry "has been running about town repeating them." He evidently is inclined not to believe them. Says of the officers whom he sent down he thinks all honest, but had told Babcock that if anything dishonorable or dishonest was proved against either, he should answer it with his commission (the officers are Babcock, Ingalls and Sackett).

Fish told Perry frankly, as he told others, that he had repeatedly cautioned Grant and Babcock to be on their guard against Fabens and Cazneau. And he complained to Perry, as to others, that much semi-diplomatic correspondence upon the annexation scheme had been carried on between Baez and Grant, with Babcock, Fabens, and Cazneau as intermediaries, and without due regard to the State Department as the proper and legal channel. This fact Fish deeply resented.

As the prospects of the treaty darkened, Grant became more abusive of opponents, more eager to dragoon reluctant friends, more ready to seize unscrupulous weapons. Since Senator Cameron had hesitated, it

was significant that on June 1 he directed Fish to sign the nomination of Cameron's son-in-law, Wayne MacVeagh, as Minister to Turkey.⁵⁴ Until Fish protested, he was not even willing to give the cultivated incumbent, Edward J. Morris, one of Lincoln's appointees—a fine linguist, who spoke Turkish, Arabic, and Greek, and a most efficient diplomatist—time to resign by telegraph!

On June 13 Fish went to the White House to discuss other matters. But Grant could think of only one topic. "He interrupted me with considerable feeling, saying: 'And my Cabinet is not sustaining me on the Santo Domingo treaty.' I asked if he included me in that remark? He said, 'No, but three members of the Cabinet, the Secretary of the Treasury, Attorney-General, and Secretary of the Interior, never said a word in its favor.' I said that I was aware that the Secretary of the Treasury expressed himself adversely, but was not aware that the other two had said anything against it. He said, 'Yes, the Secretary of the Interior is opposed to it; the Attorney-General says nothing in its favor, but sneers at it; and the Secretary of the Treasury does not open his mouth—not a word in favor of it. . . .'" Next day the diary continues:

June 14, 1870.—[Cabinet; talk about consul at St. Thomas] . . . President thinks he may be removed and wishes to give the place to a nominee of Governor Morton. He has wished to give almost every place, for some weeks past, to some friend of Morton. He then speaks of the San Domingo Treaty; his desire for its ratification; that he wishes all the members of his Cabinet, and all his friends, to use all proper efforts to aid him; that he will not consider those who oppose his policy as entitled to influence in obtaining positions under him; that he will not let those who oppose him "name Ministers to London," etc.; refers warmly and affectionately to Babcock, whose innocence of the charges against him he firmly believes; speaks very strongly against Perry, against whom he says grave charges were made while in the Army, swindling a bank in New Orleans, rape upon a small girl, etc.

A general approval is expressed by the members of the Cabinet on the announcement of his determination to hold members of the party to the support of the policy of his Administration.⁵⁵

⁵⁴ Diary, June 1, 1870. For R. H. Perry's course see his long letter in the *N. Y. Sun*, January 17, 1871.

⁵⁵ Grant employed Zach Chandler to crack the whip over Cabinet members. Chandler wrote Fish an impertinent letter. The Secretary courteously replied on June 8, 1870, that he had held "several conversations" with Sumner on the Santo Domingo treaty. "I . . . have very earnestly pressed upon him the importance of its ratification, and although at one time I was led to hope that he was accepting my views, and would be inclined to favor the Treaty, he never stated to me that he would do so." Letterbooks.

But Grant did more than crack the party whip; he went to the indefensible length of trading a Cabinet office for Senatorial votes. On June 15, without warning, he wrote Rockwood Hoar that he was under the necessity of asking his resignation as Attorney-General. Hoar was thunderstruck. His first thought was that Grant had been imposed upon by some slanderous charge, and his first impulse was to go to the White House and request an explanation. But self-respect forbade this. Taking up his pen, he wrote a note as curt as the President's demand: "Sir: I resign the office of Attorney-General of the United States, the resignation to take effect upon the appointment and qualification of my successor. Very respectfully, Rockwood Hoar." At once the adroit Babcock saw his opportunity. He gave Hoar's note to the press without a word concerning the demand which had elicited it. Next day the newspapers of the country announced that Hoar, apparently without provocation, without better reason than his private convenience, had resigned. He was placed in the wrong, Grant in the right.⁵⁶ Books have been published even in recent years which perpetuate the absurd legend that he voluntarily and causelessly quit office—for, as a gentleman, Hoar felt he must remain silent rather than accuse the President.

Fish learned of the event with indignation. While he was at dinner June 17 the Attorney-General, who was about to make a trip to Massachusetts but would remain in office till late July, called. Fish writes: ⁵⁷

The public announcement of his resignation, he tells me, was "owing to one of the leaks at the White House"—that the President had given his reply to one of the "confidential" clerks to be copied, and thus it had gotten out. [This was Babcock's excuse.] Hearing it had been telegraphed to the public prints in New York and thus given to the world, he had advised the immediate nomination of his successor to relieve the President from the importunity which would otherwise follow. He said that he called for the purpose of urging me "under all circumstances to hold fast," and added most kindly and flatteringly that I was "the bulwark now standing between the country and its destruction."

This may be very complimentary, but while I am trying to do my duty, I can by no means accept either the compliment or the responsibility. (I mean before long to retire from the Cabinet, and from all public position.) I told the judge that I did not feel that I could much longer stand the labor and the annoyance and the abuse of official position. With great apparent (and I doubt not sincere) earnestness he urged me not to think of leaving. . . .

⁵⁶ Cf. Storey and Emerson, *Rockwood Hoar*; Jacob D. Cox, "How Judge Hoar Ceased to be Attorney-General," *Atlantic*, August, 1895.

⁵⁷ Diary, June 17, 1870.

Fish, who had been heartened for a few days by the Cuban vote, now almost made up his mind again to resign. He admired and loved Hoar; he knew not what would be the President's next vagary. "I should be infinitely happier out of office," he writes. Hoar had hardly left when Grant himself rang the doorbell: ⁵⁸

I remarked that Judge Hoar's resignation had been a surprise. He said that its announcement was the result of accident, but being made, he determined immediately to nominate his successor. He did not explain how the "accident" occurred. He referred to the remark he had made at the Cabinet meeting on Tuesday with regard to his wish that all the members of the Cabinet should sustain his Santo Domingo treaty. He did not specially connect Hoar's resignation with this, but I thought the allusion significant, and said that his remark on that occasion had occurred to me in connection with this unexpected announcement of Hoar's resignation. His reply was peculiar and guarded. After a momentary pause he said, "If it was, no one knows it."

Another pause and he proceeded, "I have a great regard and affection for Judge Hoar. He is a man of great abilities and learning, and a very charming companion. He has not the faculty of making himself popular with politicians. I have said to Senators and others that I mean to recognize my friends and those who sustain my policy. The Judge told me when Mr. Boutwell was appointed that he was willing to withdraw. I have always felt the embarrassment of having two members of the Cabinet from the same State, and you do not know how strongly that has been pressed upon me." He referred to his desire to appoint the judge to a seat on the bench of the Supreme Court . . . ; he [the President] was greatly grieved by the refusal to confirm him. He concluded with a warm tribute to the Judge's character.

The two then talked of Santo Domingo. Grant lamented that Boutwell had not attended the Cabinet meeting at which he spoke of the assistance expected from his official family. "There is no man whom I love more than Governor Cox," he added, "and I regret that he also has not given the treaty his support." We shall see later how he treated Cox! He gave Fish his thanks for aid in the matter; thanks which inspired a dry entry in Fish's diary. "I have certainly been loyal to a measure of policy which he inaugurated, and after it was entered upon have done what I could to sustain it. I might have paused before entering upon it, and think it has been embarrassed unnecessarily by the interference of those who were not properly charged with the management of such negotiations, and by the intervention of some persons

⁵⁸ *Ibid.*

whose standing had not increased public confidence." The Secretary then intimated his readiness to leave office:

I . . . repeated what I had more than once before said to him, that I should be glad to withdraw from the Cabinet, and would do so at any moment when he would accept my resignation. He replied, "I will tell you when I want you to do so. Don't speak of it until then." I answered that it was a laborious position, full of responsibilities and without thanks, exposing one to great abuse and misrepresentation, and I could not stand it much longer. He said that he was aware of the thanklessness of the position, and could understand that nothing but a sense of duty would retain a man in the position of a Cabinet minister. He would not, however, listen to my wish to withdraw. . . .

. . . He continued in deprecation of the personalities and abuse heaped upon public men; said he had been the subject of investigation (referring to the Davis Hatch inquiry, now in progress), and alluded to the "gold speculation" investigation of some months back with a good deal of feeling, and said, "there is little inducement other than a sense of duty in holding public position in this country. But for that I do not know what there is to induce a man to take either the place I hold, or one in the Cabinet, and were it not for that, I would resign immediately." He seemed very well satisfied with the result of the Cuba discussion, and said that he observed that General Butler had thought proper to disclaim the authorship for the message of Cushing.

Grant's real motive for getting rid of Hoar appeared within a few days. It was to win votes from Southern Carpetbag Senators for the treaty! Several changed their position when assured of an Attorney-General who would give them all the patronage in their States—the Federal attorneyships and marshalships—at his disposal. It is impossible to say how many, for of the eight Southern members who finally voted aye some, like Sumner's Negro friend from Mississippi, Hiram K. Revels, acted from honest conviction. But others had their price, and it was promptly paid by the nomination of an obscure Georgian, Amos T. Akerman. A former Whig, a Confederate who had served on General Toombs' staff during the war, he had never held civil office until Grant, in return for some campaign speeches in 1868, appointed him Federal District Attorney.⁵⁹ Outside Georgia he was utterly unknown. His nomination was received by the Senate and the Bar with profound astonishment; in Washington everybody asked, "Who is Akerman?" Characteristically, Grant had never consulted him. Aker-

⁵⁹ See L. L. Knight, *Georgia and Georgians*, for Akerman's career.

man knew nothing of his appointment until after the Senate received his nomination, when Grant notified him by mail—for he lived about thirty miles from a telegraph station. We may imagine the stupefaction of this bucolic lawyer, elated by his recent elevation to a small Federal post, when he learned that he was to be Attorney-General of the United States.

Nor did Grant fail to make other bargains in his frantic effort to lend strength to the treaty. He nominated Charles T. Graham, whom Fish called "Chandler's man," to The Hague to make sure of the vote of Senator Howard of Michigan; for this purpose withdrawing a nomination previously sent to the Senate. He was accused of nominating J. P. Rostas as Minister to Chile in return for support by the notoriously purchasable Senator Pomeroy of Kansas.⁶⁰ He showed extreme anxiety to reward Conkling and Morton for their efforts. Nothing was too good for them. Conkling seized the opportunity to insist on the appointment of his political lieutenant, Tom Murphy, former shoddy-contractor and now spoils politician, as Collector of the Port of New York. It was a shocking choice, and Fish "passively" opposed it with such effect that Conkling paid an evening call to ask him to desist. Grant duly made the appointment, which within two years bore fruit in a nauseous scandal.

To the end Fish was "loyal" to the treaty, but with such plentiful lack of enthusiasm that Zach Chandler grumbled. At the President's request, he saw Senator Johnson of Virginia to offer him information, which was courteously refused. He also saw Sumner, and tried to argue him into a relaxation of opposition. This call evoked from the Senator an admirable letter, dated only "Thursday morning," in which he explained his stand.⁶¹ For more than nine years, he wrote, he had been chairman of the Foreign Relations Committee. Seward boasted that he had negotiated half of all the treaties in our statute-book; then he had carried half of them through the Committee of the Senate. He had sought only the public interest. He had often been obliged to differ from the Secretary of State and the President. Since Grant took office such differences had been fewer than ever before. "I believe that there are only two instances, and now I find these the occasion of misunderstanding. Must I accept everything without any exercise of my own

⁶⁰ See the article on "Presidential Bargaining and Buying," *Cincinnati Commercial*, June 30, 1870.

⁶¹ Fish Papers.

judgment? Then why have a committee? . . . There are few in the government who have a greater personal interest in these questions or a larger responsibility for them before the country than myself. How then can I renounce the conclusion which on my conscience seems just? It would be as if Grant had deserted his military duties." He ended on a plaintive note, and with a reference to his protégé, Ashley. "But I am very weary and unhappy, and I should be glad to give it all up. I want nothing but peace—I forget—I did want one small place for a life-long friend—a place which I created—which I always intended for him—which he would honor, and where the public interests could harmonize with his appointment."

On the evening of June 27, two of Grant's closest associates, Simon Cameron and Ben Butler, called. Eager to see the treaty pass, they were at their wits' ends to obtain more votes. They suggested that if something could be done to remove Casey, collector of the port at New Orleans, that might bring over the Louisiana Senators and one other, a change of six votes. Fish wrote in his diary with dry brevity: ⁶² "I decline undertaking anything in this matter—Casey is brother-in-law of Grant." Butler made an even more extraordinary suggestion. He proposed that Motley be recalled and Sumner be appointed Minister to England in his stead. Though he perhaps had his own eye on the Massachusetts Senatorship, his arguments seemed disinterested. He said: ⁶³

That Sumner, while impracticable and arrogant, is regarded by the country as the representative of the advanced sentiment of radical (anti-slavery) Republicanism. That his acceptance of the mission would remove him from the Senate, where he is obstructive, and from the head of the Committee on Foreign Affairs. That the San Domingo Treaty cannot obtain the requisite two-thirds vote with Sumner at the head of the Committee, and leading the opposition. By his withdrawal from the Senate, and a postponement of the Treaty, it can be carried next winter. That if he go to England, in case any important negotiation arise which the President does not care to leave in his charge, a special envoy may be sent, and thus (he added) Mr. Sumner can be effectually snubbed and paid off for all his arrogance and conceit exhibited here and toward the President.

Should he not accept the appointment, the tender of it will have the effect to allay any feeling in Massachusetts, or on the part of the anti-slavery portion of the Republicans who have looked to Sumner as the representative or leader of their advanced radical ideas. It will deprive him of all appeal to sympathy

⁶² Diary, June 27, 1870.

⁶³ *Ibid.*

on the score of persecution, or want of recognition. It will remove the apprehension of danger from a division in the party for the fall elections. It will allay his present feeling of resentment and of apprehended proscription, and compel good behavior. Cameron joins strongly in recommending the appointment or the tender thereof; they both urge me to press it upon the President.

Fish does not state what he thought of Butler's suggestion, but next day he spoke of it in Cabinet meeting, and mentioned the arguments that Butler and Cameron had used. Grant was at first scornful. "The proposition has been presented to me before," he said. "I replied that I will nominate Sumner on condition that he first resign his seat in the Senate, and with the understanding that I will remove him as soon as the nomination is confirmed." Postmaster-General Creswell exclaimed, "The Senate would not even confirm him." But as the Cabinet meeting ended the subject cropped up again, and this time the President entertained it more seriously. He asked Boutwell what he thought of it; and Boutwell correctly said that it would be a great error to place himself in Sumner's power by making an offer which was certain to be refused.⁶⁴ Some time earlier this month (the date cannot be fixed) Fish had actually spoken to Sumner of going to England. He explained later, undoubtedly with full truth, that this was an impulsive suggestion inspired by the Senator's weariness and domestic troubles, his desire to escape from his burdens in Washington. But under the circumstances it was highly indiscreet, to say the least; and it later gave Sumner an opportunity to assert that Fish had tried to cajole him into dropping his opposition to the treaty.

Final debate on the treaty began June 29, with the result a foregone conclusion. The Hatch Report four days earlier had dealt the decisive blow.⁶⁵ Sumner glowered triumphantly but silently at the Administration Senators, and Morrill of Vermont made the only long speech in opposition. Grant's friends hardly suppressed their anger. On every hand men were talking of Republican schism. The professional politicians conferred in unhappy knots, and that night Boutwell paid an unexpected visit to Fish. Like Cameron and Ben Butler, he was ready to wring his hands: ⁶⁶

⁶⁴ Diary, June 28, 1870.

⁶⁵ Nearly four months after the failure of the treaty, Fish sent Babcock a note containing a sharp thrust on the Hatch-Perry affair. "I return, with a translation, the documents which accompanied your note of the 15th, relating to the conduct of Mr. R. H. Perry, late Commercial Agent in San Domingo, for whose acquaintance, if I recollect aright, I was indebted to your introduction." October 17, 1870; Letterbooks.

⁶⁶ Diary, June 29, 1870.

(He) expresses concern at the estrangement growing up between the President and some members of the Senate; thinks it may lead to serious trouble in the Republican ranks; speaks of Sumner as peculiar and arrogant, wanting in knowledge of men, and lacking tact and discretion, but he thinks that he has a powerful hold on the public confidence; says that he is "all potential" in Massachusetts; that the people there believe in him, and that any proscription of persons because they are friends of his would tend to distract the party.

Everyone knew Motley to be in danger. Fish asked what should be done:

He replies that he "does not know" . . . but that the first thing, he thinks, should be to prevent the extension of the estrangement to the others; that he learns from a Senator that the personal feeling of unfriendliness is confined to three Senators. I suggest enquiringly, "Sumner, Schurz, and Ferry?" He answers, "Sumner and Schurz I suppose are two." The name of the third was not mentioned, perhaps it was Fenton who was intended. He proceeds to say that to extend this estrangement to others because of their vote or opinion on the San Domingo question would be very unfortunate. He thinks Grant is very strong with the people; they have confidence in him; the Republican party is strong, but may be injured if this state of things continues or extends. To my question, "How do you propose to arrest or prevent it?" the reply was, "I don't know."

He left me in doubt what was the real intent of his visit; he is a shrewd politician, intensely careful and timid and never forgetful of himself—cold, calculating, and without confidences. He is afraid of Sumner. Whether he wants to be his successor (as Sumner not long since told me he, Sumner, had always looked to him to be) I know not, but it looks like it.

Boutwell even suggested dropping the treaty without a vote, or trying annexation by joint resolution. Fish said nothing on the first proposal, but declared that he opposed the second course as thoroughly improper and probably unconstitutional.

June 30 brought the vote. It was 28 to 28, with 16 absent, paired, or not voting. Grant had met a humiliating defeat. Though his personal prestige was enormous, though his Administration was little over a year old, though he had used every weapon available, he had fallen far short of the two-thirds required. Next day, while the opposition press gloated over the end of the "job," he showed his resentment in an act which once more outraged all Fish's sensibilities.

PRESIDENT GRANT made no secret of his chagrin the day after the Dominican vote. Talking to the bearded soldier-governor of Ohio, Rutherford B. Hayes, on the south portico of the White House, he exploded in denunciation of the Senate.¹ He attacked Sumner as a mass of egotism, Schurz as an infidel, and Casserly of California as a bigoted Irish Catholic. But he gave more practical evidence of his wrath. Early that morning he sent Fish a curt note directing the nomination of Frederick T. Frelinghuysen of New Jersey as Minister to England in place of Motley.²

Shocked by the abruptness of the act, although he knew it had long been in contemplation, Fish sought to obtain a delay. The Cabinet met that afternoon. When he entered the room Grant asked if he had received the note. "Yes," said the Secretary, "but I wish to talk with you before you send in that nomination." Drawing the President to a corner, Fish told him plainly that Motley's removal would offend public sentiment—that it would be attributed to bad temper, and to a spiteful desire to punish the Minister for Sumner's opposition. Motley, he added, had done nothing whatever since the summer of 1869 that deserved condemnation. If Grant were determined to be rid of him, he should at least give him an opportunity to resign. "I urge you to let him remain until next winter," he concluded.³

"That," Grant replied with set jaw, "I will not do. I will not allow Mr. Sumner to ride over me."

"But it is not Mr. Sumner but Mr. Motley at whom you are striking."

"It is the same thing."

"The country will not so understand it."

"They will when the removal is made," declared Grant. And though Fish continued to plead and argue, he was immovable. The only concession he made was to permit a resignation. That afternoon, therefore, Fish sent Motley a brief note stating that the President found it desirable to make a change in the mission, and wished to allow him

¹ C. R. Williams, ed., *Diary and Letters of Rutherford B. Hayes*, Vol. III, 110-112. Hayes quotes Grant as saying: "He had now an easy time in his office. The first three months was hard, but now all comfortable."

² Fish Papers.

³ Diary, July 1, 1870.

the opportunity of resigning.⁴ With characteristic kindness, he accompanied this by a "personal, private, and strictly confidential" letter:⁵

I do not know that it has ever been my lot to do a more painful duty than to write the enclosed note. The uncertain tenure of official position under our government is among its serious embarrassments and weaknesses. Of course, it would not be proper for me, if I knew all the considerations moving the President to think a change in our representative at St. James' to be necessary, to allude to them. *I* am bound to think them sufficient; but most deeply do I regret that the opinion of a change is entertained, and that I must be the agent to make the communication to you. I have neither time nor heart to say more at present.

That evening the President, Mrs. Grant, Fish, Ben Butler, and several others left for New York. During the ride Grant asked Fish whether he had cabled Motley. "No," said Fish, "I wrote by mail." The President frowned. "Then we shall not get his answer in time to send the nomination of a successor to the Senate before its adjournment," he complained. "I must do that." Fish explained that about the time the letter reached London he could cable that the President desired an answer by telegraph, and Grant thought that would do.⁶ The cablegram was duly sent on July 12. Three days later Frelinghuysen's name went to the Senate, and was confirmed.

I

The removal of Motley had been widely anticipated as soon as the defeat of the treaty became certain. Though Grant's own words prove that the demand for resignation was directly connected with Sumner's opposition, it does not follow that Sumner was right in immediately concluding that the sole motive was revenge. Grant's reasoning was both more elaborate and more defensible. For a year he had believed that Motley deserved dismissal. The Minister had been retained merely out of courtesy to Sumner, and now that Sumner had forfeited all claim to consideration, Grant believed that he should be ousted. Moreover, he held that Motley had acted in England rather as an agent of Sumner than of the Administration (as at first he had), and that this partnership was now intolerable. It can be said for Grant that he had made

⁴ Published in Sen. Exec. Doc. No. 11, 43rd Cong., 3rd Sess., p. 15.

⁵ Letterbooks; not before published.

⁶ Diary, July 1, 1870.

up his mind months earlier to dismiss Motley as soon as expediency permitted, that is, when it would not embitter the treaty struggle, and had spoken of this determination to others. Fish's diary reveals that early in June the President had called in Senators Morton, Carpenter, and Chandler, and telling them he wished to make a change in the English mission, had asked them to choose a man for him. He would appoint a "first-rate" man at once without regard to his State. The change was therefore imminent before the vote was taken on the treaty.⁷

Nevertheless, Grant's choice of the first hours after this vote was in deplorable taste, and the words quoted above—"I will not allow Mr. Sumner to ride over me"—show that vengefulness played a large part in his action. He forgot that a President of the United States should act with dignity and magnanimity. He had frequently shown himself blundering; now, and not for the first or last time, he showed himself—little.

Fish's diary reveals how deeply he was grieved by the President's harshness. He had consistently tried to protect Motley, and had frequently defended him against attack. For example, late in June he had discussed the English mission with Grant.⁸ "He repeated, as he had told me frequently before, that he had intended to remove Motley, who he said represented Mr. Sumner more than he did the Administration, and spoke with much warmth of feeling about Sumner. I said that I thought he was mistaken as to the extent of Sumner's present exercise of influence over Motley. I did not think there was at present any frequency of correspondence; there had been a tendency to follow Sumner when he first went out, but I had not seen it lately. I hope to induce the President to withhold action as to the removal of Motley—at least for the present."

Rumors of Motley's impending decapitation had already evoked resentful protests from New England. As early as June 24 the Boston papers had published warning reports. Attorney-General Hoar, attending the Harvard Commencement that week, found Boston buzzing with indignation. Sumner had heard from Senator Wilson that Grant had

⁷ Both Fish's Diary and the press show that it had been definitely expected. For a thorough going defence of Grant's action, see Bancroft Davis, *Mr. Fish and the Alabama Claims*. Grant had asked Chandler if Edwards Pierrepont would do as Minister. Chandler doubted if he could be confirmed, and suggested that Fish be sent to England and Pierrepont be made Secretary of State! Grant at once rejected this malicious suggestion. Diary, June 25, 1870.

⁸ Diary, June 25, 1870.

said he wanted a Minister who was "more American." He was full of denunciation, writing Motley's nephew⁹ that the whole topic "is most painful and intolerable." At a Saturday Club meeting to which Hoar invited Secretary Cox and General Sherman, the poet Longfellow rose to speak with deep feeling. In behalf of Emerson, Lowell, Holmes, and other distinguished writers who were present, he said that the Club had been greatly disturbed by predictions of Motley's removal; and that while they would never think of influencing any act of the President's based upon Motley's conduct as a diplomatist, they believed that Grant ought to be told that a removal founded upon Sumner's opposition to the Dominican treaty would offend all educated citizens of New England. No group had a better right to speak for American letters, and on his return Cox conveyed their message to the President. But Grant rebuffed him in a single impatient sentence:¹⁰ "I made up my mind to remove Mr. Motley before there was any quarrel with Mr. Sumner." Senator Wilson, after visiting Boston late in June, wrote the President warning him of the displeasure of "the men of Massachusetts, who gave you more than seventy-five thousand majority." Grant, as usual when offended, made no reply.¹¹

News that Motley had been asked to resign also excited widespread regret in Great Britain, where his literary reputation was high and he had made a pleasant impression upon society. Not all men regarded him alike. Moncure D. Conway wrote that in presence and manners he was the ideal Minister; Henry Adams thought him a period-piece, "bric-à-brac from the time of Louis Philippe"; Moran called him "Bostonish." He was nervous, excitable, subject to flurries of temper, and absent-minded—on his first audience with Queen Victoria he actually forgot his letter of credence, which Moran fetched just in time. But, taking Lord Yarborough's mansion in Arlington Street, he gave magnificent dinners; Moran thought his expenses would reach £7,000 a year, or twice his salary. Though Badeau and other Americans regarded this as snobbish, it made an impression upon Englishmen. The *Times* declared that he had done more than any predecessor to endear Americans to the mother country, and had won a warmer appreciation in a shorter time.¹² The *Daily News* was equally complimentary. Since

⁹ Pierce, *Sumner*, IV, 447.

¹⁰ Jacob D. Cox, "How Judge Hoar Ceased to be Attorney-General," *Atlantic*, August, 1895.

¹¹ Pierce, *Sumner*, IV, 446.

¹² July 29, 1870.

the previous autumn he had undoubtedly been a faithful servant diplomatically, and intellectually and socially a brilliant representative.

But the American press in general treated the topic coolly. Administration organs, when it was reported that the principal cause of the removal was a radical difference between Motley and the Administration on the *Alabama* question, criticized the Minister severely. So did various Senators who obtained from the White House the story of Motley's unfortunate "memoir," and dealt severely with what they termed his effort to write his own instructions. *Harper's Weekly* and the *Nation* manifested no irritation. Even if the Minister had been dismissed to punish Sumner, wrote Godkin, that was the natural and legitimate result of the patronage system under which such appointments were made.¹³ In New England itself most newspapers outside Boston were indifferent, and some expressed pleasure that Motley was out. Only the influential Springfield *Republican* echoed Sumner's statement¹⁴ that the removal was "brutal."

Because Motley's fate emphasized Hoar's, because of the disorganization and purposelessness of the Administration, Fish continued to contemplate resignation. In fact, throughout the entire month of June 15—July 15, when Grant's waywardness, callous treatment of subordinates, intemperate personal animosities, and dictatorial contempt of advice made Fish despair of the future, he was on the point of leaving the Cabinet. He knew that designing Senators close to the President, including Morton, Chandler, and Carpenter, would be only too glad to get him out. These men "who," as he wrote, "could not use me and whose plans it has been my lot to defeat," were consistently inspiring articles in the *New York Sun*, *Washington National Republican*, and other papers which hinted at his resignation. Greeley's *Tribune* said on June 24 that his withdrawal "is no longer a subject of doubt," and that "his resignation will be insisted on."¹⁵ We have seen that on June 17, just after Hoar was ejected, Fish told the President he would be glad to leave at once, and a week later (following the *Tribune* article) renewed the offer; Grant on both occasions expostulated vigorously. After Motley's dismissal, Fish spent a week in New York. There he heard much vigorous comment upon Grant's errors. John C. Hamilton and other friends advised him to resign. The frame of mind in

¹³ The *Nation*, July 21, 28, 1870.

¹⁴ Sumner to George Bemis, Pierce, *Sumner*, IV, 448. ¹⁵ See Diary, June 25, 1870.

which he returned is indicated by a diary entry the next day, July 8, 1870:

On the adjournment of the Cabinet, I handed to the President a letter dated yesterday, enclosing another (without date) resigning the office of Secretary of State (these letters are copied in my press letterbook at my house). When I told him what it was, without reading it he handed it back to me, saying that he did not wish to receive it; that he knew my desire to be relieved of the office, but he wished me to remain, and hoped that I would continue until the end of the next session of Congress, and he did not wish to hold my resignation. I explained that it was undated, and that I left it for him to fill in the date and give it effect at any time within the period named in our conversation of a short time since. He persisted in declining to receive it and urged me to remain until March next.

I told him that I thought that several of those who claim to be his particular friends were desirous that I should be out of the Cabinet, and named Morton and was proceeding to name others when he interrupted me, and said I was mistaken as to Morton; that quite recently, just before he went to Connecticut, Morton was talking with him and of his own accord introduced my name, and spoke in terms of great respect, saying he had known of my general character, etc., but that he had been much struck by the ability, etc., displayed, etc. etc., etc. He then added that he did not know as to Chandler; that Chandler had never said anything to induce him to suppose he was unfriendly, but he did not know he had said anything to show the contrary.

Leaving the Cabinet, Governor Cox drove with me to the State Department (to procure a passport). He says Judge Hoar had a long and friendly talk with the President yesterday, and impressed upon him the danger of losing his original and strong friends by giving too much confidence to another class, or by allowing the public to be made to believe that this latter class have much of his confidence; and that the President seemed to assent.

Hoar's plain talk had its effect. Much perturbed over the possibility of losing the most important of his "original and strong friends," Grant made a three-hour call on Fish two evenings later: ¹⁶

In the course of our conversation he referred to my wish to retire from the Cabinet; said he knew I was making large sacrifices of ease and means, but he hoped I would consent to remain through his present term; that in consequence of my frequently wishing to resign, he had been endeavoring to fix upon some person to succeed me, but had not been able to find one. Said my course was not only satisfactory to him, but gave satisfaction and confidence to the country; alluded to a remark I had made a few days since that I thought many of those who claimed to be his especial friends wished me out of the

¹⁶ Diary, July 10, 1870.

Cabinet, and said that besides Morton, whose observations he had previously stated to me, Conkling had expressed himself in very strong terms of approval, and of confidence and respect; that he did not believe any such feeling existed, outside of the newspapers which were always seeking something new and sensational. He repeated his warm affection and entire confidence and reliance. . . .

I could not but be sincerely grateful for the warm expressions used, and was impressed and affected by the earnestness and sincerity of his manner, but told him that I could not see how it was possible for me to entertain the idea of remaining through his term. That in view of what he had said I would endeavor to remain until the close of the present Congress, but I felt I was suffering from the labor and confinement of my duties, and might be obliged to seek an earlier discharge, but for the present would abandon the further pressing of my resignation.

I walked with him as far as the Arlington, where Judge Davis boards. On the way he spoke of Pierrepont kindly; says he receives a letter from him about once a week, which he does not answer; that he is continually urging his appointment to either a foreign mission, or a seat in the Cabinet, which he says he would give him; that he might do well in a foreign mission.

II

An astonishing reply was shortly received from Motley; he cabled a flat refusal to resign, stating that he would explain his position in a letter mailed that day! In this letter he declared that for fifteen months he had endeavored to carry out the policy and instructions of the President, that his record was free from intentional error, and that he had no reason to shun the closest scrutiny. He did not wish to embarrass the Administration, but he certainly owed something to himself. Resignation would be misinterpreted both at home and abroad as an admission of fault, and that he could not permit.¹⁷

In short, he exhibited the same proud intractability which had made him act so rashly when the McCrackin letter reached him in Vienna. It is impossible not to feel sympathy with him, for it is impossible not to believe—as Fish unquestionably did—that Grant had wronged him. Nevertheless, he should have offered his resignation quietly, as many another wronged officeholder has done, and then take whatever steps seemed best to vindicate his reputation; Hoar had just set a magnanimous example. According to Moran, he raged fiercely when Fish's notification reached him. He "damned his countrymen as vulgar and

¹⁷ Motley to Fish, July 14, 1870; Sen. Exec. Doc. No. 11, 43rd Cong., 3rd sess., 15, 16.



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brutal, and wished the damned government might be destroyed"; he vowed never to "go among the vulgar brutes again, but would lay his bones in a foreign land." The shocked secretary, admitting he had been ill-used, thought this no reason why he should not "act the gentleman." "He was like a bear with a sore head."¹⁸

A long delay ensued while Grant tried without success to find a new Minister. Though Fish had protested against Frelinghuysen, saying the little Democratic State of New Jersey ought not to be given a Cabinet seat, a judgeship in the Supreme Court, and the principal diplomatic post all in close succession, Grant had insisted—again making the nomination without consulting the nominee.¹⁹ But Frelinghuysen refused. The place was then offered to Lyman Trumbull, Lot M. Morrill, and George F. Edmunds, who likewise declined. For a time Grant even thought of nominating Blaine.²⁰ At a Cabinet meeting in September he wrote the name of Andrew D. White on a sheet of paper, showed it to Fish, and asked what he thought of him for the English mission. Fish replied so enthusiastically that Grant authorized him to write the young president of Cornell. But at that moment a telegram was handed the President from Oliver P. Morton requesting an interview with him at Long Branch. The President impulsively showed the message to Fish, and pointing to Morton's name, remarked that he wished *he* would accept the mission; adding, "Do not write to Mr. White until I have seen Mr. Morton." Thus did Grant's mind work!

But Morton finally refused, for the Democrats this fall elected a majority of the Indiana legislature, and if he resigned from the Senate they would capture the seat. After him Samuel G. Howe also refused, doubtless out of friendship for Sumner; while White was forgotten. The weeks wore away, no appointment was made, and Motley remained at his legation. Grant once suggested Williams of Oregon, adding "he is hardly big enough for the place"; he suggested Edwards Pierrepont, but Fish thought him too pliable and too much a time-server. The *World* recommended an advertisement in the press: "Wanted, a respectable man willing to be Minister to England. He must smoke, must not part his hair in the middle or write books, and must have contributed to the savior of the republic either a house, a farm, a cottage, a span of fast horses, or a pair of shirt-studs."

¹⁸ Moran Diary, July 15, 17, 1870.

¹⁹ Diary, July 14, 1870.

²⁰ Grant to Fish, August 7, 1870; Fish Papers.

Meanwhile, ominous tokens appeared of the deepening hostility of Sumner toward Fish. Until June the two men had frequently called on one another, and had exhibited all the cordiality of old days. But Sumner resented the fact that the Secretary did not push his resignation in protest against Grant's methods. It is significant that Motley never sent any acknowledgment, however brief, of the kindly letter in which Fish expressed his regret over Grant's demand. The notes exchanged between Sumner and Fish present better than any description the growing asperity of the Massachusetts Senator toward his old friend.

(Sumner to Fish, July 9, 1870)

Late last evening the Senate ratified the two English treaties. As the Naturalization Treaty was read, one signature [Lord Clarendon, who had just passed away] reminded us of death, the other [Motley] of an injustice worse than death. The blows of Providence are easier to bear than those of man.

(Sumner to Fish, July 18, 1870)

The absurd assault made on Motley, first in the Senate and then in the press, makes it proper for his friends to correct at least the misrepresentations.

I enclose a statement by Mr. Hooper and myself on one of the two points. The other point will be treated separately. This statement is made in justice to an absent friend. It will at least be furnished to him, if not printed at once.

I think that you will agree that this correction ought to be made. If Mr. Motley is to be removed, an affair fifteen months old should not be brought forward against him by people who know nothing of it.

(Fish to Sumner, July 18, 1870)

I had not heard of the "assault on Motley" alluded to in your note of this morning.

My recollection is not in precise accord with yours as to the suggestion to him to write a paper "being authorized in my name." The proposition was made by you to me that he should write or furnish a paper, to which I certainly and readily assented, without however understanding that I was placing any duties upon him, or doing else than assent to his doing what, from the source and the manner of the suggestion, I supposed he was desirous of undertaking.

(Sumner to Fish, July 19, 1870)

There was an "assault" on Motley in the Senate which made honorable men hang their heads. The removal was bad, but the assault made it worse; and one ground was that he had "volunteered to write his instructions." Of course, I denied this point-blank. It was trivial enough, but as an excuse for removal it was difficult to characterize, and, I assure you, this was one of the two excuses!!

The circumstances about writing that paper are very clear in my memory. It *never entered Motley's head* until I told him from you that it would be agreeable to you.

By the way, I asked Bancroft Davis some time ago to allow me to peruse Motley's paper. He told me that it was not on the files of the Department, but in your possession. So much the better. Will you allow me to peruse it now? The way it was characterized in the Senate was so entirely different from my recollection that I wish to see it again. I will return it promptly.

(Fish to Sumner, July 19, 1870)

I enclose the copy of Motley's "Memoir." Until Sunday last it had not been out of the drawer in which I deposited it a year ago last May or June.

You may remember my comment upon it, at the time, in which you partially if not wholly concurred.

The fact of the paper being written was known, so far as I was aware or had agency in making it known, to very few—none outside the Cabinet, and probably not all of them. I heard of it soon after from sources which surprised me.

Please return the paper as soon as you conveniently can. I am hoping to get away within a few days.

(Sumner to Fish, July 20, 1870)

The suicide [of Prevost-Paradol, French Minister] does not surprise me. A letter which I received a few days ago revealed the displeasure of his old friends in a way that must have wounded him to the quick. Then came the trial of the war, and his duty to represent the Empire and Louis Napoleon. This was too much.

P. S. He had a beautiful talent—*lost by not standing by his friends.*

Fish had departed for Garrison before Sumner brought Motley's "memoir" back to the State department. But Bancroft Davis reported: "He made a speech of three quarters of an hour, winding up by saying that the removal of Motley was 'the most atrocious' (in very deep bass) 'crime in diplomatic history.' " ²¹

Various Washington leaders were now laboring amain to mollify Sumner and prevent a total breach in the party. Senator Conkling was active, though Sumner and he had recently crossed swords. Senator Justin S. Morrill in an eloquent letter begged Sumner to remember how William Pitt had conquered George II by tact. Senator Howe of Wisconsin appealed to Fish to serve as a peacemaker, but the Secretary replied that he feared little could be done. His letter is an admirable analysis of the great Bostonian: ²²

Mr. Sumner, I fear, is implacable. I passed an hour in his study the evening before I left Washington. His general tone toward me was very friendly, and

²¹ Davis to Fish, August 3, 1870; Fish Papers.

²² Fish to Howe, Garrison, August 6, 1870; Letterbooks.

my farewell was cordial and kindly as ever. He was very severe toward the President, and in one or two outbursts of rhetorical denunciation he included me and anyone connected with the Administration. I am quite convinced that on such occasions he is not conscious of the extent and violence of his expressions, and is not wholly the master of himself. The conclusion with me is unavoidable, that he is lost to the Republican Party. In many aspects it is a loss. With large ability, high culture, extended reading, and a remarkable power of oratory he lacks knowledge of men, is overborne by much vanity (much of it quite justifiable), is arrogant and domineering, and these qualities increase with years; and he has no one of the peculiar elements essential for leadership, to which he thinks that his long service and his admitted ability entitle him. Possibly some disappointments embitter him toward the present Administration. (I do not refer to the Motley affair.) He is not content that younger men or men of less duration of service exercise the control and leadership which his temperament does not allow to be accorded to him.

I endeavored to persuade him that Motley's recall was not on his account, and so far as the confidence of my position would allow, assured him that it was practically determined upon before the Santo Domingo treaty raised any antagonism between him and the President. But I fear that nothing can change him—he is determined to believe himself the cause of whatever is done, and that he is the object against which all assaults, real or imagined, are aimed.

His present attitude is much to be regretted. I have endeavored and shall endeavor to satisfy and reconcile him.

Under the name of Mr. Perley Poore, he has made a publication neither generous nor frank. I should have been quite justified in noticing it and denouncing it, and should have done so but for my desire to avoid anything to confirm him in his estrangement or his antagonism to the Administration, and for my determination to avoid if practicable being brought personally into controversy with one with whom for many years I have had such friendly relations, and who has so many very fine qualities.

I wish that your letter might bring him to a serious appreciation of his misapprehension of the extent of sympathy he imagines is extended to him by prominent gentlemen in various parts of the country. I know how much he is mistaken. If he could be disabused, I think there is a possibility of preventing what otherwise seems to me his determination—an effort to divide the Republican Party and lead off whatever he can into opposition to the President, which is necessarily, at present, opposition to the Republican Party. In Massachusetts his influence will be large, and there there is a large amount of sympathy for Mr. Motley. But it has been a matter of surprise to me how little (outside of the Boston influence) there has been of regret expressed at the change, and how much expression of satisfaction has been made.

"I intend not to lose him as a personal friend," Fish concluded. "I wish not to lose him as a political associate and co-worker." He was

deeply grieved, for he knew that Sumner, however intolerant and violent, was in some ways a truly noble figure. Writing Morrill on August 26, 1870, he stated that he could not regard Sumner "as either a reasonable, or a *reasoning* man"; but in view of his literary power, eloquence, and many fine traits, "we must try to keep him." Alas, Sumner was to prove implacable. On November 10 Grant's final stroke fell on Motley. The Minister had begun to regret his obstinacy; the lease of his house was expiring, and the Queen of Holland had offered him her villa at the Hague free for half a year. The State Department now notified him of his recall, and Fish instructed him to commit the archives and other property to Mr. Moran as chargé. The next—and bitterest—phase in the duel of Sumner and Grant was to begin when Congress reconvened in December.

III

Two reasons played a dominant part in Fish's decision to remain at the State Department. The first was that he had at last achieved a long-desired ascendancy over Grant in the field of foreign affairs. The President was intensely earnest, even deeply moved, in insisting that he withdraw his resignation. "On two important occasions at least," he confessed on July 10, "your steadiness and wisdom have kept me from mistakes into which I should have fallen." These two services were in preventing the recognition of Cuban belligerency in August, 1869, and in insisting upon the Cuban message of June 13, 1870. We have said that Grant gained a bewildered perception in his first year that many men knew more about the nation's intricate problems than he. Mortified by the failure of his pet project in external affairs, he now acknowledged Fish's superior proficiency in that field. Badeau tells us that the President, having appointed Fish for his mere name, had slowly comprehended his force of character and intellect. "He confessed to me more than once that he had been surprised at the quality and calibre of Fish's ability; not only at his judgment and energy, but at his downright power to deal with men and affairs." Hereafter the Secretary had virtually a free course. Grant, occupied with domestic politics, gladly left the State Department to its own head.

The second reason was that Fish held a great unfinished task in his hands—a settlement with Great Britain. Now that Grant and Sumner

had definitely broken, now that Motley had been displaced, the road was opening to a successful negotiation. The essential question for months had been whether Sumner's or Fish's policy toward England would triumph; the essential danger had always been that Grant would side with Sumner. At last the question was decided, the danger destroyed. Nothing remained but for the Secretary to await his moment and to demonstrate his skill.

Fish always had an instinctive comprehension that, in the swift-changing, treacherous modern world, a cordial understanding between the United States and Great Britain would protect not only both peoples, but all mankind, from many possible calamities. They were the two greatest Powers. They were kindred not only in blood, speech, and law, but in liberal traditions. They were the staunchest exponents of democracy; the firmest believers in conditions which would promote peace, international trade, and the growth of industry; the leaders in a pioneering conquest of unsettled areas. Each seemed impregnable against the rest of the globe, but each had given hostages to the other. Great Britain had done little to fortify Canada against the United States; the United States had declined to maintain a powerful navy against Great Britain's. Clearly two nations which had so much in common, which as enemies could do each other such terrible hurt, and which as friends could hold the rest of the world in awe before their orderly and progressive purposes, should be on the best of terms. Fish meant to achieve and preserve harmony.

Between them, poised in the balance, lay the huge territory of Canada. Politically it was linked with Great Britain; economically every year brought it into closer connection with the United States. Fish would have been quite as glad as Sumner to see it, or at least its Western half, attached to the republic. But whereas Sumner wished to keep the *Alabama* Claims open indefinitely, a running sore, until Great Britain yielded to the implied threat and ceded Canada or made it independent, Fish believed this course unsuited to achieve its object, unfair to England, and unwise as a national policy. It would never give us Canada. It might result in war. The true policy was to settle our dispute with England; to await her voluntary liberation of Canada; and then to move for annexation.

Diplomatically, nothing of importance had been done during the winter and spring of 1870. England had proposed no steps which would

lead to a High Commission; neither Fish nor Clarendon penned any note of significant character. Clarendon, in fact, had been offended by Fish's abrupt publication of the recent diplomatic correspondence between the two countries without a proper notification (as he believed) to the Foreign Office;²³ and he was in poor health. Informally, Fish tried to bring about a better feeling between the two nations, to pave the way for a special British mission to Washington, and to encourage Britons and Canadians in the idea of a dissolution of the bond between them. His efforts in this last direction are disclosed in a series of excerpts from his diary. Just after New Year's he had discussed with Thornton the Irish Fenian threats and the treaty for settling the disputed San Juan boundary, which was about to fail for want of Senate ratification during the stipulated period. But they soon swung back to the status of Canada:

January 4, 1870.—Cabinet. All present. Mentioned that Mr. Thornton had called attention to the expiration of time on the 13th inst. for exchange in London of ratification of the San Juan treaty. It is physically impossible now to make the exchange within the time, as the Senate has not acted upon the treaty and stands adjourned until the 10th of January. . . .

The memorial from residents of British Columbia addressed to the President, asking annexation to the United States, was brought up by me. Agreed that I send a copy to Mr. Motley, and show this or state its purport to Mr.

²³ Lord Clarendon wrote Delane of the *Times* to explain his attitude. After referring to the note which Fish had Cushing write, and which "we considered offensive," he went on to say that as the last two paragraphs seemed to offer some hope, he had drawn up a double reply. Besides the formal rejoinder, there was an informal memorandum "intended to rectify his misstatements." Thornton had understood from Fish that the Secretary would not publish the correspondence. "To my surprise, however, I learned by the telegrams of this morning that the papers had been sent to the Senate, and had been published in a newspaper. This may perhaps have been unavoidable if the Senate called for the production of the papers, but as it was not proper that our public should receive this correspondence second-hand from an American newspaper, I determined that the whole should be inserted in the *Gazette* of this evening. There was another reason, however, that made this course imperative upon me, for (you will scarcely believe it) Mr. Fish has published our temperate bow-wow dispatch, but has suppressed the memorandum which was the *real* answer to his own.

"This was not only dishonest, but stupid, for though he might gain a trifling advantage for a few days, the trick was sure to recoil upon himself. . . . The whole thing shows how surprisingly difficult it is to deal with these people, and how small our chance is of settlement, yet Grant and Fish both declare that they desire it, and their language in private is friendly—so was that of an arch-enemy of ours, General Banks, with whom I had a talk of more than an hour at the Foreign Office this morning. . . ." Clarendon to Delane, December 24, 1869; Dasent, *Delane*, II, 253–255.

Fish had intended no trick. For his part, he thought Clarendon acted improperly in publishing as part of the formal diplomatic correspondence an informal memorandum which was addressed essentially to Fish himself, and not to the American Government. The incident produced great irritation on both sides and made an understanding more difficult than before.

Thornton. I suggest that our proper course is to abstain from action; "to keep our eyes fixedly on the movement, and to keep our hands off." The President said: "That is precisely our course of duty."

January 6, 1870.—[Thornton calls at State Department.] I refer to the petition from inhabitants of Vancouver's Island presented to the President some days since, and about which Mr. Thornton has spoken to me. It has been printed and he has read it.

I show him the original, and suggest whether this movement, together with the troubles in the Red River settlement, and the opposition to the union with the Dominion, may not present an occasion for the application of what he has told me the British Government is more than willing to adopt—viz., the separation of the connection between Great Britain and the colonies. I think it must come before very long; now [that] there is no pressure, no resistance which makes it inconsistent with the dignity of Great Britain to inaugurate the movement. I think the troubles in the Red River are more serious than the Canadian authorities believe them to be; the topographical condition of the country precludes intimate commercial relations between Canada and the Selkirk settlement, which latter is also shut off by the Rocky Mountains from the Pacific. Nova Scotia and New Brunswick have no commercial and little political or social intercourse with Canada, while their whole market is in the United States. The removal of the British flag would render easy the settlement of all other questions between the two governments.

He thinks the removal of the flag would be more easy after the settlement of the other question; asks if I wish him to write to Lord Clarendon.

No, certainly not officially or formally; but I think the present is a favorable time, if Great Britain really is willing to withdraw, to inaugurate the proceedings.

I suggest that possibly he may write privately, but I do not ask him to do so. If he thinks proper, it may lead to results, and I think may avoid trouble and save both governments future embarrassments.

But while keeping before the British Government the suggestion that it withdraw from Canada, Fish did it in the most good-natured way. He and Thornton sometimes bantered each other. On January 11, the Minister, calling in reference to a visit of Prince Arthur to America, referred to a recent Senate discussion of the *Alabama* Claims, in which one Senator had estimated the damages at \$200,000,000.

"Well," remarked Fish, smiling,²⁴ "I hope you are prepared to pay that amount."

"Certainly not! Your government has never estimated the private damages at more than fifty millions. If you were to pay the claimants

²⁴ Diary, January 11, 1870.

you would not pay more than half that sum, and you cannot expect us to pay more than you would disburse."

"Certainly we do—we expect liberality from you, in consideration of your past treatment of us."

"What, from our oppressed, tax-ridden, downtrodden monarchy?"

"Yes," said Fish, laughing, "you abound in wealth, and we have such a heavy debt I am sure you wish to assist us in its discharge."

"You talk of debt!" exclaimed Thornton; "just look at ours!"

"Why, your debt is your wealth; what would an Englishman think himself worth without a huge bundle of consols?"

The fact was that Fish and Thornton liked one another, knew that the two countries ought to like each other, and meant to avoid any display of contentious temper. Instead of treating the Claims in the offensive spirit shown by Sumner and the *Saturday Review*, they never showed even momentary ill-feeling. Whatever Canada's destiny, they were intent upon restoring cordial Anglo-American relations. The diary shows how tactfully Fish handled the Manitoba insurrection and the Fenian activities under "General" O'Neil:

January 15, 1870.— . . . Senator Ramsey [of Minnesota] was in the President's room and spoke of the Red River troubles. He suggests that if about \$25,000 could be sent to the insurgents they would be able to maintain themselves. Enquires if it can be done. I answer, "No; there is no appropriation out of which the money could be taken, and besides we should not use money in that way." Subsequently, after Ramsey left, this proposition of his was again referred to, and the President very explicitly disclaimed the proposition of using money in this way.

January 17, 1870.—Mr. Thornton says that he learns that large collections of arms continue on the Canadian frontier. He hears of them at Cleveland; that Sir John Young agrees that nothing can be done in the way of the seizure of the arms and thinks that no movement is likely to be made before March. Mr. Archibald thinks it may be sooner. Thornton says that a reconciliation has taken place between the O'Neil and the Savage sections of the Fenians. He thanks me for information communicated by the Marshal of Northern New York. Refers to the case of Lieutenant O'Donoghue of which he has previously spoken (stationed at Detroit), who he learns has promised to aid the Fenians in the capture of Windsor. I think that improbable; he has no reliable information. I refer to the rumors of the Indians on the Red River, and express the hope that they may restrain them. He learns from Ottawa that there they consider the difficulties as nearly settled. I tell him that I am sorry to have received intimation that Governor McDougal, while at Pembina, endeavored to enlist men to aid in suppressing the insurrection at Winnipeg. He thinks this

cannot be. Governor McDougall denies having made any attempt to enlist men, etc.

January 23, 1870.—Called at Mr. Thornton's to pay respects to Prince Arthur, who arrived last evening; was introduced; had a few minutes' conversation. Lunch was announced and I left.

The instructions to Motley on January 14, 1870, mentioned above, dealt primarily with the Canadian question. Enclosing a copy of the British Columbian petition, Fish referred also to the Red River troubles and to the opposition to Confederation in the Maritime Provinces. He informed Motley that since Thornton had often and frankly expressed the willingness of Great Britain to terminate its political connection with Canada, whenever the colonists desired it, he had suggested to the British Minister that the time might now be ripe for steps in that direction. He wished Motley to be especially alert for indications of British opinion upon the possible annexation of the Manitoba region by the United States. If he found any favorable sentiment, he was discreetly to encourage it. But he was to exercise "great discretion" in pointing out the facts which made the separation of Manitoba from the Dominion a necessity.

IV

The new Fenian movement came to a head in the spring of 1870. It was then four years since the physical-force wing of the Irish sympathizers in the United States, led by John O'Neil and others, had launched their first abortive assaults against Canada from Buffalo and St. Albans. The only result in 1866 had been to strengthen the movement for Confederation and the growth of Canadian Nationalism.²⁵ But many Irish-Americans still held the unhappy notion that the best way to liberate Erin was to attack the British provinces in America. They held balls, picnics, and meetings to raise funds, sold Irish bonds, and arranged parades which made the Fenian uniform a familiar sight in Eastern cities. Early in 1868 a great convention in Philadelphia brought together six thousand Fenian soldiers, marching under Irish banners.

Soon after Fish took office Thornton warned him that a new Fenian movement was being planned. The leaders expected, he said, to mar-

²⁵ Cooper, "The Fenian Raid of 1866," *Canadian Magazine*, November, 1897. The Fenian attack on Campobello Island particularly strengthened the movement for Confederation in New Brunswick.

shal 15,000 or 20,000 veterans of the Civil War—5,000 or 6,000 from New York alone; they had collected 20,000 stand of arms at Buffalo, St. Albans, and Chicago, and eight or a dozen cannon; and they had levied a tax of \$10 upon every member for war expenses. Fish had his own information that John O'Neil, who had become president of the Brotherhood in December, 1867, was constantly issuing hortatory addresses. New York State had thirty-five lusty Fenian circles; Pennsylvania twenty-six; Wisconsin, where the Western movement was strongest, sixteen. The St. Patrick's Day collection for the war fund in 1869 amounted to almost \$19,000, and circles scattered over the North—the "Shamrock," the "Wolfe Tone," the "Erin," the "Garryowen Tigers"—were pouring in more money.²⁶ In Canada during 1869 the British Government had systematically reduced the garrison on the wise principle that a self-governed Dominion should also be a self-policed Dominion. All summer infantry, cavalry, and artillery had moved down the St. Lawrence, and Governor-General Sir John Young was warned that the 4,000 troops left in Ontario, Quebec, and New Brunswick were only a temporary force.²⁷ The Colonial Office trusted that the United States would nip any Fenian attacks in the bud, while it also believed that Fenianism was largely a transient result of American demobilization. But the comparatively defenceless condition of Canada inspired Irish hopes that a sudden stroke might be effective.

Queen Victoria's third son, Prince Arthur, mentioned in the diary above, made a tour of eastern Canada late in 1869, accompanied much of the way by Governor-General Young and Prime Minister Macdonald. His special train was greeted by flags, brass bands, processions, and crowds singing the national anthem. Early in 1870 he entered the United States from Montreal, remarking: "I believe every man is a prince here. Well, I must doff my royalty." A ball was given in his honor in Washington, attended by the President, Fish, other Cabinet members, the diplomatic corps, and many members of Congress—even Ben Butler looking very festive. Prince Arthur led the first quadrille with Mrs. Grant; and Edith Fish created some amusement later in the evening by an independent refusal to dance with him because she was too tired.²⁸ The tour greatly pleased the new Dominion. But most

²⁶ Numerous official reports of the Fenian Brotherhood—very rare documents—are in the Fish Papers.

²⁷ Foreign Office Papers.

²⁸ See New York and Washington newspapers, January, 1870.

American observers believed that the enthusiasm was confined to small loyalist groups and that the movement for independence was unabated. Many Fenians hoped that their spark, catching this movement, might set off an explosion.

Indeed, evidences of Dominion disintegration and even annexationist sentiment seemed numerous. A well-advertised meeting had been held at Quebec in August, 1869—the speakers all bearing French names; the Catholic archbishop there openly favored annexation. A hopeful correspondent wrote the *Herald* that in Ontario the demand for reciprocity was the last card of the colonial party in maintaining British ascendancy. Prince Edward Island, which had not been represented at the Westminster Conference which settled the terms of the British North America Act, and which was vital to a unified Canadian policy on the fisheries, was still overwhelmingly against Confederation. Nova Scotia, which had financial grievances, though its potent leader Joseph Howe had been enticed within the Dominion Cabinet, still grumbled; “the ancient colony,” Newfoundland, yet held aloof from the Confederation. The rebellion of the discontented half-breeds in the Manitoba area late in 1869 indicated that the scanty Western population might become eager for absorption into the United States. Active groups at St. Paul and the border American town Pembina were openly encouraging them. Our consul at Fort Garry (Winnipeg) wrote Fish that Governor McTavish had said that the true interest of the Hudson’s Bay Company lay in American annexation. Farther west, British Columbia stood in complete isolation, 2,000 miles from the inhabited parts of the Dominion; it was dependent on the United States for supplies of every description, on which it paid high tariffs; it had no hope of immigration save by way of a San Francisco steamship line; and its ten thousand people paid crushing taxes to support the government and meet interest on a public debt (1866) of \$1,300,000. For all these reasons, a group of its residents—there was a large American element in the population—petitioned Grant to urge the cession of the colony upon Great Britain;²⁹ a petition which Grant ignored. The *Tribune* published frequent editorials under such titles as “Canada Go-

²⁹ See Sage, “Annexationist Movement in British Columbia,” *Transactions of the Royal Historical Society of Canada*, 1927; Howay and Scholefield, *British Columbia*, II; Keenleyside, *Canada and the United States*, 155 ff. The *London Times* (quoted in Keenleyside, 158, 159) said that if the colonists met and decided that “every natural motive of contiguity, similarity of interests, and facility of administration” pointed to junction with the United States, Great Britain “should not attempt to withstand them.”

ing" and "Annexation North"; other journals abounded in articles on the supposed irresistibility of the movement for independence. It was well known that the publicist Goldwin Smith, now a resident of Toronto, believed Canada's destiny to lie in union with America. Early in 1870 Sir Alexander T. Galt, son of the great Scottish novelist who wrote *The Entail* and *The Ayshire Legatees*, suddenly joined the Opposition in the Canadian Parliament, thus emphasizing the fact that he was a believer in Dominion independence. Wealthy, cultivated, a brilliant orator, he had refused to accept knighthood from the crown until he had avowed his opinions on Canadian separation and received assurances that the honor need not interfere with them.

Yet acute observers knew that this sporadic discontent was largely superficial and transient. Not only was loyalty to the motherland still strong in Canada—and strongest where silent. Fear of the heavy American debt; dislike of American political demagoguery; irritation against braggarts like Zach Chandler, who had told a Michigan audience that he "held a mortgage on Canada, and was going to foreclose it"—these were powerful motives. The Confederation was steadily growing stronger. Many Canadians saw that the one real hope of developing a separate nationality lay in the loose British connection; that the close American embrace would soon strangle all Canadian individuality. And at this moment the Fenian raiders suddenly raised a wave of anger in the Provinces.

v

The Dominion Government had secret sources of information on Fenian plans. Early in April, 1870, it evinced alarm. Volunteers were called out on the frontier; militia were concentrated at strategic points—4,000 in Quebec alone; quiet border towns rang with commands. Before the 20th the Canadian Parliament had suspended the habeas corpus Act.³⁰ These precautions excited derision in the United States. Editors suggested that the Fenian bogey was being used to excite a national spirit and to create distrust of the United States. "The rulers of Canada have over-intoxicated themselves with their fears," said the *Tribune*, adding that Macdonald took stimulants enough without that.

³⁰ For an interesting record of the Fenian raids, see Macdonald, *Troublous Times in Canada*. I have also used the Canadian Hansard, New York newspapers, April-June, 1870, and numerous letters to Fish.

Newspapers amused themselves by inventing Fenian "menaces." At North Troy three men, speaking pure Celtic and holding picks, had been seen making peculiar motions at the Dominion. In Boston suspicious-looking men were wearing overcoats of Irish frieze. But really well-informed Washington correspondents took a different tone. They knew that the threat was genuine, that Fish and Thornton were following it closely, and that the War Department was showing anxiety.

The subject, as Fish's diary shows, was debated with increasing uneasiness by the Cabinet until in May the President issued a warning proclamation:

April 15, 1870.— . . . Belknap reads letter from General Meade and other army officers representing the collection of arms and ammunition on the northern border, Vermont and New York, and the probability of a Fenian invasion of Canada, and recommending a seizure of the arms, etc.

President remarks, "The British did not seize or stop the *Alabama*." He then asks, "What does the Secretary of State say?" I reply: "The subject has long been before the Department; we have known of the collection of arms on the frontier for a long time; have communicated all the information received to the British Minister; without evidence of intent to use the arms improperly, no law authorizes their seizure; whatever may be the suspicions, no evidence of unlawful objects or design has been offered or suggested; has been subject of conversation with British Minister, who thinks and says we have no right to seize them; state my own belief that it is rather a demonstration than a movement, that various days have been named for the invasion, and finally this very day, 15th April; suggest that it may be a design for the purpose by O'Neil of continuing the collection of money. Judge Hoar concurs in this view, and says it is a movement on the pockets of the Irish chambermaids, etc.

April 19, 1870.—Mr. Thornton says Mr. Archibald, consul in New York, advises him that the Fenian Congress or Council meet today in New York; that an effort will be made to depose O'Neil, which will be unsuccessful; that then O'Neil will immediately concentrate about 2,000 men at Fairfield, Vt., and cross into Canada, and there await reinforcements in small numbers at a time.

April 25, 1870.—Submitted to President letter of 21st from J. R. Bennett, United States Marshal at Detroit, relating to threatened invasion of Canada by Fenians, to have taken place on night of 22d, and stating that he employed twenty detectives. President thinks the time of the anticipated movement having passed, the employment of the detectives is unnecessary, and directs that they be discharged. He adds, the British did not employ detectives to prevent raids from Canada during our war.

April 28, 1870.—Mr. Thornton . . . Allusion to the Fenians; says O'Neil told his people in New York that he was determined on a war policy, but that

he required ten thousand men and \$50,000; suggests whether we would make a seizure of arms; says the consul in Buffalo reports large numbers of Irishmen passing west through that city. He supposes they are going to Winnipeg; is glad to know that we are ordering troops there.

May 24, 1870.—Telegrams from Buffalo and Vermont of Fenian gatherings on the borders. Cabinet. All present. Read telegrams from Dorsheimer (Buffalo), Forster (Marshal of Vermont), and Houghton (United States Commissioner Vermont) about Fenians. President suggests and orders a telegram to be issued, warning all good citizens against engaging in such enterprise.

The stern precautions by the Canadian Government early in April had merely postponed the invasion. On May 23rd large movements of Irishmen toward the frontier began. Organized detachments reached Burlington and St. Albans, Vt., while the Vermont Central refused to transport another thousand men from Boston. A boatload left Plattsburg, N. Y. Five carloads passed through Rochester for Troy and points northward. Buffalo was full of Irishmen quartered on their friends. That night the Fenians of New York City, after assembling in their various halls, broke into small groups and in civilian dress took the Erie and the Hudson River Railroads northward. Next day all these forces concentrated on the border. The plan was to mass most of them outside St. Albans, Hogansburg, N. Y., and Malone, N. Y., where arms and uniforms were ready. Many were veterans of the Civil War, and the Confederate raider Mosby was among the officers. A simultaneous stroke at these three points might prove dangerous.

But the little war quickly degenerated into opera bouffe. O'Neil spoiled the proposed concert of action by too precipitately crossing the boundary near St. Albans at noon of the 25th. "Fenians," he declaimed, "the eyes of Ireland are upon you." A brisk but bloodless skirmish with Canadian volunteers began. At the height of the uproar the Federal Marshal arrived in a carriage. He tried to arrest O'Neil, who resisted. Suddenly he and his deputy collared the Irish general, threw him into the back seat, warned him he would be shot if he moved, and lashed the horses into a gallop. As O'Neil could not furnish bail of \$20,000, he was soon languishing in the Burlington jail. His force rapidly disintegrated. Near Malone "General" Gleason led 1,500 men into Canada, entrenched himself four miles inside the line, and awaited an attack. A much larger force of British troops and Canadian militia promptly arrived, and after some skirmishing the ill-fed Fenians retreated to American soil, completely demoralized. Gleason, who had

shown the white feather, was carried off amid the groans and hisses of his men to the Canandaigua jail. Twenty-five double wagonloads of Fenian stores were brought into Malone by the Federal authorities. Some six hundred crestfallen men departed on two trains, but three hundred more were left behind destitute until Boss Tweed paid their fares home.

The absurdity of the affair amused Americans. George Francis Train, hearing of the movement, had heroically rushed to Chicago—to make a speech. Recruiting stations in Boston and New York, filled one day with eager recruits, were filled the next with gloom. When the “Secretary of War” at his Fourth Avenue headquarters received a telegram from the “front” on May 31 the treasury contained no money to pay for it and he had to borrow the sum. Summer boarders flocked back to Vermont and the St. Lawrence as the Fenians left. But the episode also had its pathetic side. A cloud of financial scandal hung over it. Honest Irishmen had been ready to give their property, their services, even their lives, for old Erin. The folly of the charlatan O’Neil had cost thousands of poor working-people their whole savings. And it was soon evident that the affair had serious international aspects as well.

In Canada the first emotion of alarm was quickly succeeded by indignation. As with one voice the press broke into attacks upon the United States.³¹ It contrasted the efficiency with which Canada had stopped hostile raids during the Civil War with the apparent inefficiency of Washington at this crisis. The Canadian Government had laid down stringent rules to prevent the assemblage of unneutral forces. It had prohibited all shipments of arms. After the Confederate raid on St. Albans it had paid for the money taken from the banks. But what of the United States? The Fenian organization, openly avowing its plans of invasion, had been tolerated for years by the American Government. It had been openly flattered and encouraged by press and politicians, even by Vice-President Colfax. The recruits had finally been allowed to congregate in great numbers, newspapers reporting every movement, and trample the laws of the United States under

³¹ See *Toronto Globe*, *Montreal Gazette*, etc., May, June, 1870. The *Globe* could say again what it had said March 30, 1866: “The Fenians have unwittingly done essential service to the Canadian people by inspiring them to a degree of confidence in their defensive strength they did not before possess. They have shown the United States there is no desire for annexation in Canada. . . .” See also the valuable paper by C. P. Stacey, “Fenianism and the Rise of National Feeling in Canada at the Time of Confederation,” *Canadian Historical Review*, September, 1931.

foot. Moreover, though Canada had paid within six months for the damage done at St. Albans, the United States had as yet not paid one cent for the Fenian damage in 1866. Sworn bills had been presented, but they had been ignored. From Newfoundland to Lake Nipigon, the Canadians were angry with a righteous anger.

As a matter of fact, Washington had acted energetically if belatedly. On the day that Grant decided upon his warning proclamation, May 24th, Fish conferred with Secretary Belknap and General Sherman upon the despatch of infantry to the border.³² Sherman at once telegraphed Meade to send such troops as he could. It was this imminent military interference, combined with Celtic fervor, which had led O'Neil to advance so hastily. At St. Albans and Malone the Federal marshals had acted with vigor. Grant now directed Attorney-General Hoar to prosecute the railroads which had transported Fenian units if it could be done with any prospect of success. Thornton, realizing that the Administration had acted with praiseworthy zeal, formally thanked Fish. But north of the border feeling continued to run high. Canadians asked themselves if they were to endure these outrages every four or five years, with painful costs in military preparations and in the shock to trade and business. They were irritated with Great Britain because she had left them so nearly defenseless, and the press angrily scolded her. But this was as nothing compared with their feeling against the United States. The republic had proved itself a bad neighbor, and annexationist sentiment hid its diminished head.

VI

Crippled in the East, the annexationist movement was simultaneously extinguished in the West. During the summer of 1870 the melodramatic Riel Rebellion utterly collapsed in Manitoba. For one reason, the Dominion sent out an effective military expedition. Under Colonel Garnet Wolseley, Crimean hero, British regulars and Canadian militia were transported to the head of Lake Superior and thence marched overland to Fort Garry. The Grant Administration viewed this expedition with dislike. Talking with Thornton on April 8, Fish urged³³ "that no attempt be made at military subjugation, that a war there

³² Diary.

³³ Diary. Cf. Sir George Arthur, *Letters of Lord and Lady Wolseley, 1870-1911*, I, 3-6.

would complicate and endanger the relations of the two countries." He also urged that England avail herself of the situation to grant the independence of that area, a suggestion which must have made Thornton smile. The American authorities refused in May to let a ship carrying stores for the expedition, the *Chicora*, pass through the Sault Ste. Marie Canal, and this again aroused general Canadian wrath. Newspapers French and English, Government and Opposition, united in an angry outburst, and even moderate journals—for example, the Montreal *Daily News*—demanded the retaliatory closing of the St. Lawrence. Fish's behavior in the matter was unquestionably stiff and unneighborly; and the United States would have lost nothing and gained some good-will had he acted more generously.

But the stores were easily portaged to another ship. Wolseley reached for Garry on August 24, 1870, to find that Riel's force had fled on the sound of his bugles. And these determined military measures had wisely been preceded by generous concessions to the discontented *métis*. Emissaries from the Red River area were cordially received at Ottawa. Their demand for immediate provincial status was granted; a separate school system like Quebec's was agreed upon; existing land-titles were recognized; and special land grants were provided for half-breed families. All this was covered in the statesmanlike Manitoba Act, which passed the Canadian Parliament in May and went to England for confirmation. Wolseley's expedition and the new security which it brought stimulated emigration to the Western prairies, and all thought of joining the American Union vanished into thin air.

As for British Columbia, her delegates reached Ottawa hard on the heels of Manitoba's, and were as cordially received. An energetic new governor, Mr. Anthony Musgrave, had arrived on the scene strongly in favor of joining the Confederation. His instructions from the Colonial Secretary, Lord Granville, bade him promote a favorable consideration of the question. When the Provincial Council met in February, 1870, he urged a consideration of terms of confederation; resolutions laying down a set of stipulations were adopted; representatives were hurried East; and in June the delegation was amicably discussing them with Sir John Macdonald and his advisers.³⁴ The Dominion, eager

³⁴ Keenleyside, *op cit.*, 165, 166. See the excellent résumé of the integration of Canada 1868-71 in George R. Parkyn, *Sir John A. Macdonald*, Ch. VII.

to round off its western territory and scotch the annexationist threat, readily agreed to generous terms. A Canadian Pacific railroad was promised, to be begun within two years and completed within ten. Means of financing it were hazy, and as time proved, the pledge was easier to make than to fulfill; but it was sincere and it won the people of the Pacific colony. Had the United States been able to make a counter-offer of immediate railroad construction and a pair of steamship lines, it might have won the prize; but it could not. Prince Edward Island and Newfoundland alone now remained outside the Confederation, and the spirit of both was safely Canadian. The former was destined to enter in 1873.

Thus while during the spring of 1870 Grant had his eyes fixed upon Santo Domingo, and while Congressional jingoes were preoccupied with Cuba, history was being made in a far more important way on our northern boundary. A great new nation—in time to be one of the true Powers of the modern world—was shadowily taking form. American hopes died hard. As late as March 22 Grant had talked in the most irresponsible way of acquiring Canada by force. "If it were not for our debt," he told the Cabinet, "I wish Congress would declare war upon Great Britain, when we would take Canada, and wipe out her commerce as she has done ours, and then we would start fair. Fish and Boutwell shook their heads. "Wait until the funding bill has passed," said Boutwell. "Oh, yes," growled the President, "but really I am tired of all this arrogance and assumption of Great Britain." This was folly. Yet two days later Fish again pressed Minister Thornton for a quick relinquishment of Canada. "I express the opinion that a firm friendship ought to exist between the two governments, but does not," he said. "That the events of the late war showed what a menace and threat the British possessions on our borders are the constant danger of annoyance and even collision resulting therefrom: irritating questions—Indians, Fenians, disorderly soldiers, etc.; that if Great Britain would make the Provinces independent, all that cause of irritation and of possible complication would be removed. He says it is impossible for Great Britain to inaugurate the separation; they are willing and even desirous for it. I do not see the evidence of this willingness."

In cold fact, the willingness existed in restricted circles only; most Englishmen wished to hold Canada. Thornton went extremely far in 1869-70—too far for wisdom—in talking of British readiness to give

up the Provinces; at least once the Foreign Office rapped his knuckles for it, and he did not speak for general British sentiment.

Moran reported this from the London Embassy. He wrote Bancroft Davis on May 10 that he would do his best to learn the actual feeling of the British Government about the Red River territory. He thought that caution and tact might yet give it to the United States. "*The people here* are opposed to the transfer; but the government is not, provided the *people there*, or any respectable portion of them, desire it." A fortnight later he was writing: "But *the people* are not ready to give us Red River yet, although I believe the government would not much hesitate. If we could use a little money on the press here, I think we could create a public sentiment in favor of a fair settlement of the Alabama Claims, which settlement might give us British Columbia and the Red River. But this is a mere idea." A third letter, dated June 16, was still less hopeful. Englishmen resented the idea attributed to Sumner that the Claims could not be settled unless the United States were given the Provinces. "Canada must be ours sooner or later—sooner, if possible; but later if John Bull gets it into his clumsy head that we mean to force her from him." In the absence of a clear Canadian demand for independence, Englishmen would never consent to separation—and the Canadian current was now running the other way.

For a short time still some Britons underrated Canadian loyalty. Gladstone, who believed in full colonial self-determination though never in abandoning the colonies, spoke to the House of Commons in April as if independence might be at hand.³⁵ "The country would see that if separation should become necessary, it should be accomplished without convulsion or violence. A free and voluntary contract was the only possible basis for continued union." For a short time still some Americans thought that annexation might be feasible. Even the opposition to Santo Domingo, Thornton had written in January, sprang largely from the view "that if expansion be necessary or desirable, it would be much more advantageous to go northward, where the inhabitants are of a kindred race, vigorous and energetic, where the territory is almost invulnerable, whence the United States would derive an immense increase of strength in every way, and where the fact of the territories being dependent on a monarchy, and that monarchy the one from which

³⁵ For an excellent treatment of Gladstone's liberal views in his first Ministry, see Paul Knaplund, *Gladstone and Imperial Policy*, 95-140.

the United States emancipated themselves, would give additional zest to any acquisition. The more I see and learn of the feelings of the people of this country, the more I am convinced that this idea is every day taking deeper root in their minds and ambitions." But by midsummer the scales were falling from both American and British eyes. Men caught their first glimpse of a great Canadian nation, united from Atlantic to Pacific, conscious of her individuality, willing yet to be daughter in her mother's house, but determined above all to be mistress in her own.

The Sumner-Chandler thesis had been that the *Alabama* question should wait until England could be bullied into letting Canada go. But as Canada turned a cold shoulder toward the United States and clung resolutely to Britain, astute Americans began to see the futility—to say no more—of such a course. One barrier to a settlement, the great barrier chiefly created by Sumner, was disappearing.

IN July, 1870, the curtain rolled up on the theatrical events which made the Franco-Prussian War seem like a melodrama staged by Sarduy—the withdrawal of the Hohenzollern candidacy for the throne of Spain; the insolent French demand for a pledge that it be not renewed; the Ems telegram; and the first Prussian victories. The Atlantic cable enabled Americans to watch the conflict with a new immediacy. War correspondents were hurried off; men discussed Gravelotte, Sedan, and Metz with the tutored interest of a nation which had just emerged from four years of fighting. The conflict was brief. Within two months MacMahon's army had surrendered, Napoleon III was a prisoner, and the unification of Germany was assured.

Sympathies both inside and outside the Administration were heavily on the German side. In good Anglo-Saxon fashion, many Americans had always regarded the Gallic race with a slight tinge of contempt. During the Civil War Napoleon's unconcealed hostility for the North, the sale of Confederate bonds in Paris, and the threats of French intervention had aroused deep irritation. Above all, the French bayonets which had supported Maximilian in Mexico were resentfully remembered. Prussia had favored the Union, many German investors had bought American bonds, and the host of German-born volunteers under Schurz and Sigel were gratefully recalled. Our most powerful newspapers and many public men, from Sumner down, were frankly on Prussia's side. Bancroft Davis records that he attended the Cabinet the August afternoon that news came of the German victory at Weissembourg.¹ "The defeat of the French," he remarks, "did not seem to make anyone less cheerful."

Officially, however, Grant and Fish pursued a policy of the strictest neutrality. They had to resist eager partisans on both sides. It was impossible to expect neutrality from our Minister to Prussia, George Bancroft. He had studied at Göttingen and Berlin, he entertained in his Tiergarten home the most distinguished figures in Germany,² and he was a favorite of Bismarck's; Ranke had said, "He is one of us!" In the North German Confederation he somehow discerned similarities

¹ Diary, August 5, 1870.

² M. A. DeWolfe Howe, *Bancroft*, II, 272 ff.
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to the United States, and confidently predicted the ultimate triumph of republican principles in Germany.³ "If we need the solid, trusty goodwill of any government in Europe," he wrote Fish, "we can have it best with Germany; because German institutions and ours most nearly resemble each other, and because so many millions of Germans have become our countrymen." Meanwhile, Francophiles were retelling the old story of French aid to the American colonists, of Lafayette and Beaumarchais.

"We shall be impartially and strictly neutral," Fish wrote our consul-general in Paris as early as July 19.⁴ "It bids fair to be a fierce fight; who will, and who won't, be drawn in?" Bancroft Davis drew up the usual proclamation of neutrality, which was issued August 22.⁵ It forbade enlistments, declared that the equipping of warships for either nation would be severely punished, and warned citizens that munitions sold to either were subject to capture at sea. Later a supplementary proclamation, inspired by some troublesome French cruisers on our coast, forbade any belligerent warship to remain in an American port for more than twenty-four hours, and laid down other naval restrictions.⁶ The diary contains some comments by Grant:

October 9, Sunday.—The President called in the evening and, speaking to my wife of the proclamation issued yesterday, said that I was entitled to great credit for the two new features introduced in the proclamation, viz: requiring vessels to make a European port of their own country in the interval of two coalings in American ports, within the space of three months, and the provisions for the alternate departure of vessels of the two belligerents. He showed me a very interesting letter from Sheridan to himself dated September 23. Sheridan thinks there was as much "scattering" among the contesting forces as there had been in our war; criticizes the conduct of the troops; thinks their cavalry inefficiently used, and generally that a comparison between the fighting of the armies now engaged, with that of our own Civil War, is to the advantage of the Americans. He says that he "saw some of the 'tallest' kind of running."

As befitted a son of Lafayette's old comrade-in-arms, Fish felt a throb of sympathy for France. In this he differed from Grant, who had ordered troops to the Rio Grande in 1865, who detested Napoleon, and who now hoped the French would be severely punished. On August 5

³ Jeannette Keim, *German-American Political Relations*, 30 ff.

⁴ To J. Meredith Read, Jr.; Letterbook No. 2, July 19, 1870. ⁵ Richardson, VII, 86-89.

⁶ October 8, 1870; Richardson, *Messages and Papers*, VII, 89, 90. As a matter of fact, Fish was entitled to less credit than Grant gave him. The diary shows that Boutwell suggested the first new feature, while the second was an adaptation of an old British rule.

the President asked Bancroft Davis to inform the French Minister ⁷ that while the government intended to preserve a strict neutrality, "he must not be surprised if a strong feeling manifested itself among the people in favor of the Prussians—that the people had good memories, and they remembered that while the Germans sympathized with us and took our bonds freely during the war, the French people had manifested no sympathy for us, they had negotiated a loan for the rebels, and the French Government had sent an expedition into Mexico which had been construed by the people as an act hostile to this country." Of course Davis never conveyed this absurd message. Fish, a warm admirer of both peoples, wrote the Turkish Minister in more judicious terms: ⁸

I hope that this unexpected and apparently unnecessary war is to be localized. The Fête Napoleon this year will be celebrated in the defense of Paris, not in its amusement. What will be the result? German unity seems already established; will a French dynasty survive the war? We look on with interest and sympathy. The United States intends to maintain a strict neutrality. The French nation was our early ally, and we are not ungrateful nor forgetful. Prussia gave us her sympathy during the late struggle, and her people have contributed much to our increase. The *people* of both nations are our friends. The Emperor did not show us much friendship during the rebellion. France will have our friendship whatever befalls Napoleon. We love her, notwithstanding her Emperor's unfriendliness in our hour of trial.

I

At the outset Fish's feelings were wrung by the suicide of his friend Prevost-Paradol, the eminent liberal journalist, of whom he had seen a good deal in Paris. Though a veteran opponent of Bonapartism and upholder of parliamentary democracy, he had accepted against his better judgment Napoleon's appointment as Minister in Washington. There men received him coldly; and the reproaches of his followers in France, with the shock of the war, drove him to self-destruction within a fortnight of his arrival. Jules Berthémy, whom he had replaced, at once returned to duty. Both Berthémy and the Prussian Minister, Baron Gerolt, troubled Fish incessantly with complaints that the neutrality laws were being evaded. Unquestionably the French and German consuls in New York did violate the laws. The latter

⁷ Davis, Diary, August 5, 1870.

⁸ August 13, 1870; Letterbook I, 859, 860.

openly enlisted and forwarded surgeons for the German army until Fish, on advice from the Attorney-General, stopped the practise.⁹ The former paid the passage of Frenchmen going home to fight, and at one time Federal officers took nearly a hundred such recruits off the steamer *Lafayette* as it was about to sail.¹⁰ In such matters the State Department held the scales precisely even.

The State Department—but not all other Departments, as the scandalous sale of Federal arms to France showed. Private interests had a perfect right to sell arms at their own risk, but the question of neutrality was raised when material from government arsenals reached Napoleon's armies. Since the Civil War the War Department had been rapidly selling off its huge stock of obsolete weapons. Turkey had bought 350,000 pieces, and Russia large quantities. During the summer of 1870 it continued to sell guns to American munition-dealers, and Remington & Co. shipped many to France. A newspaper outcry brought the subject before the Cabinet on October 11.¹¹ Secretary Belknap said that he knew of no recent sale to any but regular dealers, or to any agent of either belligerent. But he did not pretend that he had made any real investigation! On October 14 Baron Gerolt reported to Fish¹² that a large quantity of government rifles were to be sold in New York next day, and that the French intended to secure them. As a result, belated precautions were taken. "There was to have been a large lot of arms sold on Saturday," Fish wrote Bancroft Davis later that week.¹³ "The bids were put in. Remington made the highest bid, but it was ascertained that he was an agent for the French Government and the bid was rejected, the government refusing to accept a bid from any person either known to be or suspected of being an agent for either belligerent. This I have from the President this morning. It may not be wise to proclaim their determination not to sell to any person *suspected* of being an agent. Each party might throw suspicion on every bidder and defeat any sale. The fact, however, shows that we are keeping our skirts clear."

It has often been stated¹⁴ that Prussia did not complain of our disgracefully careless sales of arms—Bismarck remarking that it was cheaper to capture them on the Loire than buy them in Washington. But Fish's papers show that this is false. On instructions from Berlin,

⁹ Davis, Diary, August 17, 18, 19, 1870. ¹⁰ Davis, Diary, August 1, August 3, 1870.

¹¹ Fish Diary.

¹² Diary, October 14, 1870.

¹³ October 17, 1870; Letterbook II, pp. 667, 668.

¹⁴ Pierce, *Sumner*, 505.

Baron Gerolt expostulated repeatedly and vigorously. In one dispatch the German Government called attention to a report that 150,000 stand of American arms had been sold to France, inquired if this were legal, and intimated that it was inconsistent with American efforts to mediate for peace.¹⁵ Fish brought strong pressure upon Belknap to stop the sales altogether. Finally, when Schurz and Sumner grew insistent, this was done—but not till January 24, 1871. Until then an agent of the Remingtons at Ilion, a country lawyer, purchased arms which shortly found their way to France.¹⁶ Altogether, War Department sales during the Franco-Prussian conflict amounted to 425,000 pieces and 54,000,000 cartridges; and it was more than suspected that some Departmental officers made a pretty penny from them.

One of the most pleasing discoveries of 1870–71 was the quality of that grizzled veteran of Illinois politics, the Minister to France. Elihu Washburne showed a courage, constancy, and wisdom that did honor to the republic. The last dinner ever given in the Tuileries, June 7, 1870, was for him and his wife—a dinner at which he descried “a cloud of uneasiness” on Napoleon III’s brow.¹⁷ When the war broke he was at Carlsbad, but by a continuous journey of fifty-two hours reached Paris on July 18. Many Americans lived in France, with large property interests. The North German Confederation at once requested him to take charge of German citizens as well—30,000 in Paris alone. The stars and stripes soon waved over the former German embassy, with two young Illinoisans as guardians. He gave passes to German non-combatants, but many were too poor to get to the frontier, and when the Duc de Gramont served notice that they might be ordered out summarily, he wrote an able protest. Stormy days followed. The first German victories angered the people; the boulevards swarmed with masses singing, swearing, yelling “*Vive chassepot, Vive chassepot,*” and finally rioting; the Chamber of Deputies was like a mob. This violence aroused terror among the Germans. When the order of expulsion finally came, thousands besieged Washburne in his legation. Fortunately he had obtained a large credit from Berlin and was ready to

¹⁵ Diary, October 16, 1870.

¹⁶ Pierce, *Sumner*, IV, 505. British arms also went to France, and Bismarck’s vigor in expostulating with Great Britain, contrasting with his mildness toward the United States, excited concern in Downing Street. One factor was that Germany felt under obligations to the United States for Washburne’s activities in behalf of German subjects.

¹⁷ Washburne, *Recollections of a Minister to France*, I, 39 ff.

take charge of the situation.¹⁸ By September 1 he had given safe-conducts to nearly 30,000 Germans, and railway-tickets to 8,000. He also assumed care of important South American interests. Questions of international law he solved with his own blunt sense and the advice of George Bemis. An increasing volume of relief work fell upon him, until by the spring of 1871 he was feeding three thousand Germans. He represented the American diplomatic service at its best—a fitting precursor of such gallant World War figures as Brand Whitlock.

Washburne was in the tumultuous crowd before the Hôtel de Ville when Gambetta stood in one of the great windows to proclaim the republic. He kept the legation active throughout the siege, seeing shops sell rat meat while the poor rioted for fuel, and whiling away the dark hours by writing reminiscences of politics in Jo Daviess County. On March 1, 1871, from the balcony of an American resident, he watched the first Germans enter Paris—three blue hussars, who rode slowly down the Champs Elysées with carbines cocked, and through the Arc de Triomphe. A fortnight after the Germans left the city the Commune seized it with iron hand; and then Washburne faced his most trying ordeal.

On March 17 he wrote Fish that the National Guard had fortified themselves upon Montmartre and set up an insurrectionary government. The next ten weeks witnessed terrible events—"an orgy of crime, incendiarism, cruelty, desolation, blood," he wrote. The government having fled to Versailles, he hired an office there. But he went regularly into Paris, kept the former legation open, and watched diligently over the residents in his charge. No other Minister remained; the gates were closed and soon a new siege began. Against one of the Commune's worst crimes he valiantly protested. When the beloved Archbishop of Paris was thrust into prison, he interceded, urged the Communist leaders to release him, and did all that he could to prevent the final execution. During the last spasms of the Commune on May 24-25, while the Tuileries, Hôtel de Ville, and other historic buildings were in flames, he sat calmly amid the uproar penning his dispatches to Fish.¹⁹ With good reason, the Secretary later wrote:

¹⁸ Davis, *Diary*, August 13, 1870.

¹⁹ See Gaillard Hunt's volume on the Washburne family, 253 ff. Washburne was later accused by Karl Marx, Friedrich Engels, and others of the First International, of double-dealing and treachery in his relations with the Paris Commune. It was alleged that on May 24, 1871, he made an offer of a truce which was part of a plot to dupe the Commune into

Washburne is entitled to all the honor his friends may wish to confer upon him. In a position of great responsibility, at a time of great delicacy, and surrounded by innumerable difficulties and many dangers, he exhibited great discretion and ability, high courage both moral and physical, and a loyalty to duty and to country deserving of all praise. No compliments can be paid him that I would not join in.

II

Fish made what efforts he could to shorten the war. Although he refused to act with European Powers in offering mediation, holding this contrary to our traditional policy, immediately after Sedan he tendered France his offices in trying to arrange a peace.²⁰ "If Germany also desires to have good services of the United States interposed," he cabled Bancroft the same day, "President will be glad to contribute all aid in his power to secure restoration of peace."²¹ But Berlin was chilly, and Bancroft himself dwelt upon the inexpediency of American interference in any form; he did not wish the United States to be a party to any movement that would rob the Germans of the fruits of victory.²² Both the stubborn pride of the French and the vengefulness of the Prussians disgusted Fish, who expressed his feelings in an emphatic letter to Thurlow Weed. "Nations engaged in a war begun without cause and for objects which honest men blush to contemplate, find it difficult to arrest the conflict except from exhaustion." He called it "a most unjustifiable contest."²³ When Gerolt complained of Washburne's statement that it was an impious war, Fish replied that the phrase was eminently appropriate; to him all wars were impious.

And when talk of peace-terms began, Fish manifested a strong repugnance to the dismemberment of France as not only cruel, but likely to plant the seeds of future conflict. Baron Gerolt called at his house one Sunday in September to say that since Germany had been attacked, she must insist upon substantial new guarantees of safety. "France has been threatening Germany for two centuries and is the only enemy that Germany can have. The latter will not be assured of quiet for the future, and there can be no quiet, no assured peace, while

inaction while the Thiers forces prepared for an assault. See pamphlet letter of the First International to American workers, July 11, 1871, New York Public Library. Of this Fish of course knew nothing.

²⁰ To Washburne, September 9, 1870; *Foreign Relations*, 1870, 193.

²¹ *Ibid.*

²² Keim, *op. cit.*, 26-28.

²³ Fish to Weed, August 31, 1870; *Letterbooks*, III, 34.

France comes to the Rhine. There must be a new boundary." This was no news to Fish, who had already heard from Motley that France had been rebuffed when she proposed, through London, to make peace on the basis of the old frontiers.²⁴ A little later Bismarck asked Gerolt to read an explanatory dispatch. It was an unconvincing argument for a rape of territory which left France embittered, and did much to pave the way only forty-four years later for the most terrible war in all history:

October 3.— . . . Baron Gerolt called at my house after ten in the evening . . . and proceeded to translate, very imperfectly and hesitatingly, what he said was a dispatch from Count Bismarck. After stating that the Germans were satisfied of the truth of the remark made by the Emperor Napoleon that "he had not desired to enter upon the war with Prussia, but had been forced into it by the people of France," it proceeded to say that it had been so under every dynasty and every government that France had had; that the French people were aggressive and always determined to make war upon Germany for conquest and the extension of territory. That now having been forced into war against their will, they were determined to ensure guarantees to protect themselves against future attacks. That France had violated the treaties of 1815; had encouraged the Belgian revolt against Holland; had extended her own boundaries and was intent upon the invasion of Germany; that South Germany was under the present boundaries always exposed, and if peace were now made, no *assurances* would protect Germany against a renewal of the war, whenever France should have recovered. . . . That all the states of the Confederation and also the states of South Germany engaged in the war were united in demanding that no peace be made without a new arrangement of boundary which would ensure Germany from any aggression on the part of France, and to include the fortresses or their destruction.

The Baron says this is an ultimatum and will be insisted upon at all hazards. . . .

But by this time the French Republic had been proclaimed. Washburne telegraphed September 7: "Have recognized republic. Favre expressed gratitude and profound emotion. Requests United States to join other Powers in intervention for peace." Agreeing with British statesmen that the annexation of Alsace-Lorraine would be a grave blow to the future peace of the world, Fish instructed Bancroft on September 30 to lose no opportunity of expressing the hope of the American Government that Prussia would be satisfied with the vindication of its greatness and power, would show magnanimity, and would make such terms

²⁴ Motley to Fish, September 12, 14, 1870.

of peace "as shall not be humiliating or derogatory to the pride of the great people who were our earliest and fast ally." ²⁵ Privately he wrote Bancroft in still more vigorous terms: ²⁶

It is not to be doubted that a change has to some extent come over the public mind within a few weeks,—i. e., since the capitulation at Sedan and the proclamation of the republic. The natural sympathy for the weaker and defeated party calls forth many expressions of kindness and of apprehension that the victors may press their success too far. There is doubt and contradiction as to the peace terms required by Bismarck. Last Saturday (the 24th) Berthémy showed me *in confidence* a telegraphic dispatch from his government announcing the failure of Jules Favre's mission and stating the terms demanded as conditions of peace by Bismarck. France is to be reduced to a power of the second rank—cession of Alsace-Lorraine—conditions for armistice, occupation of Strasbourg, Metz, Toul, and Fort St. Valerien. Conditions rejected; was a *Voutrance*, etc., etc.

I have no opinion to express whether the cession of Lorraine and Alsace be or be not too much to demand. Germany can afford to confine her demands of territorial cession to the necessities of future security. Other European Powers are looking with jealousy at her great strength and will not see any great addition of territory with satisfaction. The attitude and condition of neighboring Powers indicate the great probability of other parties being soon involved in war. If any military leader were to arise in France capable of leading the masses who are now rising and arming, Germany will find the investment of Paris, at such a distance from its base of military supplies, a precarious position. It may not be another Moscow, but it may reverse many of the advantages thus far gained. It is to be hoped that so soon as a peace with guarantees of endurance and a binding capacity can be made that it will be, and that too upon terms not unnecessarily humiliating to a brave and generous people.

Various European Ministers informed him that their governments were equally loath to see France lose the two provinces.²⁷ Catacazy remarked that in Russia's opinion, the Germans should have stopped after the victory at Sedan; since they had gone to war in defense of the principle of national unity, they were violating their own doctrine in asking for Alsace-Lorraine. But he denied that Russia was arming or moving troops. St. Petersburg had notified France and Austria at the beginning of the war that it would not intervene unless Austria did, but that if Austria took action, it would mobilize two corps for every one that Austria armed. These evidences of the chronic European jealousies

²⁵ *Foreign Relations*, 1870.

²⁷ *Diary*, October 14, 1870.

²⁶ September 29, 1870; *Letterbook II*, 597-608.

were far from edifying. Nor was it pleasant to learn that the Duc de Gramont had officially outlined to other Powers on July 17, 1870, the greedy French objects in entering the war: an extension of territory along the Rhine, the reduction of Prussia to her old limits, and the exaction of an indemnity.²⁸ This revelation made it difficult indeed for France to term the Prussian demands immoral.

In desperation, the French Minister on October 19 appealed to Fish for an official announcement that the United States would disapprove of annexations by Germany. Inasmuch as the United States had done a good deal of annexing for herself, such an announcement would have been comic. As Berthémy persisted, Fish became irritated.²⁹ Our policy of abstention from European affairs was wise, he said, and we would stick to it. Had the war not been undertaken by France to acquire territory?—had not the Chamber of Deputies, with few dissenting voices, enthusiastically approved it for that purpose? When Grant heard of the plea, he snorted disgustedly.³⁰ "The President expressed as a private opinion that France, having without provocation entered upon the war with a scarcely concealed intention to dispossess Prussia of a portion of her territory, could not complain, and was not entitled to sympathy if the result of the war deprived her of a portion of her own territory."

Indeed, Grant maintained a stern attitude toward France till the end. In October the British Government urged an armistice, and Thornton informed Fish on the 23rd that London hoped the move would succeed.³¹ It at once occurred to Fish that the United States might cable Berlin and Paris in support of the British position. Grant called at his house that evening, and the Secretary asked whether strong representations were not desirable. The President replied that if he made any representations, he would state that Bismarck was quite right in demanding new boundaries, for France had provoked the war without reason and with the intention of dismembering Germany. Fish protested. These, he said, had been the objects of the empire; a republic having taken its place, we should feel more amiably disposed to it; and the American people now showed a growing sympathy for France. The President finally asked him to prepare a dispatch for consideration. But before he could do so, it became plain that the British effort

²⁸ Diary, October 19, 1870. ²⁹ Diary, October 19, 1870. ³⁰ Diary, October 21, 1870.

³¹ Diary, October 23, 1870.

was doomed to failure. Our government made no other gesture until in December Fish inserted in the President's message a sentence³² declaring that if the United States could shorten the continuance of the war by a single hour, that action would heartily be taken.

III

The moment the guns opened at Saarbrucken many Americans had hoped that one shower of manna would fall from the war-clouds—a settlement of the *Alabama* Claims. Fish shared in these hopes. We have seen that he had attempted the previous March to convince Thornton that in view of the troubled European scene, the uncertainties of war and peace, Great Britain ought to place a higher valuation upon American friendship. We have quoted his words:³³ "Europe may at any moment become convulsed, and if England becomes involved it would be impossible to prevent retaliation, and the ocean would swarm with Alabamas." In July, 1870, he anticipated that Great Britain might feel the danger of the long-unsettled quarrel more keenly, and make the needed concessions to end it.

His correspondence shows how joyfully many Americans seized upon the same idea. Bancroft Davis burst out in a letter to his chief:³⁴ "What a time this would be to strike in London for the independence of Canada and the settlement of the *Alabama* Claims." Francis Lieber hastened to point out that we might acquire the rich Dominion for assurances of neutrality.³⁵ "Richard called, 'A kingdom for a horse!' Our call will now be, 'An empire for the Law of Nations.'" Carl Schurz wrote in the same vein. Many newspapers were jubilantly hopeful that

³² Richardson, *Messages and Papers*, VII, 97.

³³ C. F. Adams, *Lee at Appomattox*, 158, 159; Diary, March 24, 1870. This comment of Fish to Thornton's has frequently been quoted. But it should be noted that Thornton wrote to Lord Tenterden a little later, at the time of the Russian war scare (November 28, 1870): "However much war is to be deprecated between us and Russia, I do not know that it would be a great misfortune as far as the *Alabama* Claims are concerned. If the United States allows no vessels of that sort to leave their shores, I suppose that we would have to pay their claims, but if they let out a single vessel the question would be settled at once, and I presume we would not long allow vessels to roam over the world as the *Alabama* did. Considering how impracticable the Americans are, I don't know whether this would not be a good solution of the question, as far as the United States are concerned, if we are really to be forced into a war. . . ." Foreign Office Papers. Similar expressions may be found in the writings of other Englishmen. Actually England was afraid both of *Alabamas* from American ports if she became involved in war, and *Alabamas* from European ports; but especially the former.

³⁴ Davis to Fish, July 27, 1870; Fish Papers.

³⁵ Lieber to Fish, July 20, 1870; Fish Papers.

England, with her hands tied in Europe, might at last make sacrifices for the sake of what Canning had called "a strong diplomatic combination." Indeed, the Foreign Office papers indicate that the rude shock of the war did deeply alarm English leaders. It showed them how precarious their international position might prove, how risky it might be to have their action fettered by American unfriendliness and the *Alabama* precedent.

But official circles dissembled this apprehension; and it soon grew clear that there was no decisive factor in the Franco-Prussian War to alter the British policy toward America. The conflict did not long threaten England's neutrality, and in some ways strengthened her European position. Great Britain augmented her defenses; an amended neutrality law, much stiffer than the old Foreign Enlistment Act, was hurried through Parliament; Gladstone announced that his government would prevent the building or supplying of any belligerent vessels. A thrill of anger ran through England when Bismarck revealed the fact that in 1866 the French Ambassador had proposed an infamous bargain by which Napoleon III should support German unification, while Prussia should agree to the French conquest of Belgium and should pledge herself to help fight any Power which resisted it—i. e., England. The result was that in the midst of the conflict Great Britain presented Prussia and France with a treaty guaranteeing the neutrality of Belgium—a treaty which Prussia willingly and France reluctantly accepted. The rapid German victory itself relieved England of certain apprehensions. Had Napoleon III won, had a more powerful France loomed up across the Channel, the British would have regarded the forty-five French iron-clads with uneasiness. But as yet they had no reason whatever to fear Germany, which was friendly, was more distant, and owned but six iron-clads. Both France and Germany would need time to recuperate, and the peace of Europe seemed secure for a long breathing-spell. England was comparatively stronger than before 1870, and she knew it.

The British also held a stronger position in Canada. Throughout the summer and fall of 1870 Fish saw increasing evidence that Great Britain would never force the daughter-nation from her side, and that the daughter-nation would not leave of her own accord.³⁶ The ties of blood and tradition were too strong; the irritation produced by the

³⁶ Cf. Bemis, *American Secretaries of State*, VII, 156, 157. No steps were ever taken by the British Government actually to ascertain the wishes of the Canadians in the matter of annexation.

Fenian threats, the failure of reciprocity, and the fisheries quarrel was doing its work too well.³⁷ Our consul-general in Montreal wrote Fish that these controversies had all been deliberately fomented by Dominion leaders "to create a Canadian sentiment in antagonism to the . . . spread of American sentiment here looking toward ultimate annexation."³⁸ Whether this were true or not, when Thornton and Fish discussed Canadian-American relations in the fall of 1870, the British Minister regretfully reported that Canadian feeling was "very bitter."³⁹

Whereas many Americans had hoped that the original four-Province Confederation of 1867 would shortly break up, it was manifestly growing larger. With the admission of Manitoba (July 15, 1870) as the fifth member, the bold colonizing venture of the Earl of Selkirk sixty years earlier bore its full fruit. The new Province was at this time only about twice the area of Massachusetts; but it added a fresh star to the Canadian constellation, destroyed the American hope of gaining the whole valley of the Red River, and made the accession of British Columbia almost inevitable. In September our consul at Victoria wrote Fish⁴⁰ that the generous terms of union which the Dominion had offered the British Columbians were meeting with popular favor and would certainly be accepted.

Meanwhile the disputes over fisheries and commerce, of which we have hitherto said little, were producing manifest effect. Canada deeply desired a renewal of the reciprocity treaty which had ended in 1866.⁴¹ But the hold of vested interests upon Congress made the United States dogmatically protectionist; the republic took provincial views; and treaty-making on tariff matters was difficult. Though the economic life of the Dominion depended upon a market for her raw materials, Washington made no shrewd use of that fact. Canada was rudely rebuffed in 1866. She met a still sharper repulse in 1869, though John Rose, then Finance Minister, proposed a treaty which would practically have unified the economic life of the two nations and which even discriminated against Great Britain. Fish, urged by Caleb Cushing and others, had favored this compact, though he did not deem it wise to act aggressively with Congress. The Canadian treaty-project included the grant for a term of years of full fishery rights to the United States; the enjoy-

³⁷ See *Cambridge History of the British Empire*, Vol. IV, 113 ff.

³⁸ *Foreign Relations*, 1870, p. 433.

⁴⁰ Diary, September 19, 1870.

³⁹ Diary; Bemis, *op. cit.*, VI, 157.

⁴¹ *Ibid.*, September 18, 1870.

ment of the Canadian canals, which were to be enlarged; the free use of the St. Lawrence; the assimilation of customs and excise duties; the concession of an import duty equal to the internal revenue taxes of the United States; and the free admission by each country of certain manufactures of the other. It was a fair—even a generous—offer. A Canadian lobby, well-armed with money, labored to push it through the Congress of 1869–70. It should by all means have been accepted. But the selfish special interests were too strong. In March, 1870, the negotiation had ended abruptly—and Canadian resentment, especially in Ontario, was instant and deep. Where the American Congress might have sown flowers of union, it had scattered instead the tares of distrust.

Angered by this rebuff, many Canadians now turned to a consideration of reprisals. If Americans were selfish, they could be selfish too. They could abolish the fishing licenses and compel American fishermen to keep outside the three-mile limit. They could place a duty on American coal, thus giving the Ontario market to Nova Scotia instead of Pennsylvania.⁴² They could levy tariffs on American lumber and breadstuffs. They could be surly about American navigation of the canals essential to the use of the St. Lawrence; the Dominion policy had been to charge merely enough toll to keep the canals in repair, but it might make the levies much higher.

Of these contemplated reprisals, the exclusion of Americans from the rich inshore fisheries and the right of buying bait, salt, and provisions at Canadian ports was by far the most important.⁴³ On May 7, 1869, the Canadian Finance Minister, telling Parliament of the injury done to the Dominion by the high American tariff, spoke menacingly of the need for a national policy of their own.⁴⁴ Late that year officials in Ottawa notified Washington that the pressure for counter-measures was becoming too strong to be withstood. And on January 8, 1870, the Dominion Government made good its threats. It issued an Order in Council abolishing the privileges given to American fishermen and re-

⁴² James G. Blaine, *Twenty Years of Congress*, II, 615 ff.; *Foreign Relations*, 1870, 433 ff.; Goldwin Smith, *The Treaty of Washington* (MS), 29.

⁴³ During the last two years of the Reciprocity Treaty, according to Canadian authorities, the United States sent 600 fishing vessels to the Gulf of St. Lawrence and Bay of Chaleur, which took \$4,500,000 worth of fish; nearly a quarter of the American fishing fleet (that is, 40,000 to 50,000 tons, worth \$5,000,000 to \$7,000,000 annually) fished near or within the Canadian three-mile limit. *Canadian Hansard*, 1888, Vol. I, 674 ff. (Speech by Sir Charles Tupper). The prohibitory tariff of the United States crushed the Canadian fishing industry, and many Canadians shipped on American vessels. See PRO, FO 115, 489, Clarendon to Thornton, December 24, 1869, No. 43 Commercial.

⁴⁴ *Canadian Hansard*.

turning to the strict letter of the Treaty of 1818. This was a body-blow. American fishermen, because they had a much greater market to serve, far outnumbered the Canadians in northern waters. According to figures collected in Ottawa, three-fourths of the mackerel they caught were taken within the Canadian three-mile limit, and the average value of their catch in Canadian waters from 1854 to 1864 had been \$6,000,000 a year.

As Fish knew, fishery disputes constituted the great central mountain-chain of Canadian-American differences; all others, historically, were mere foothills.⁴⁵ The treaty of independence had given Yankee citizens the right to fish in Canadian waters. But the War of 1812 was held by the British Government to abrogate this right, which was not renewed in the Treaty of 1815. When Americans continued to fish in colonial waters, English cruisers brought the matter to an issue by seizing some twenty boats. These difficulties led to the Treaty of 1818, by which Americans were granted fishery rights on certain specified coasts of Newfoundland and Labrador, renouncing them elsewhere. The Reciprocity Treaty of 1854, establishing a modified free trade, had restored almost unrestricted access to all the fisheries; but with the abrogation of this treaty, the restrictions of 1818 could again be invoked. Canada, still hoping for a new commercial treaty, and urged by Great Britain to show moderation, had at first allowed American fishermen to come and go as they pleased, merely imposing a license fee of fifty cents a ship-ton. But the Maine and Gloucester salts grumbled, and of about eight hundred Yankee vessels which fished in colonial waters in 1866, only 454 paid for licenses. When the fee was raised to \$2 a ton, still fewer paid it. The people of New England had shown deep resentment over the fisheries question in 1816-17 and again in 1852, when Webster pledged himself to protect the fishermen, "hook and line, bob and sinker." Now ill-feeling suddenly revived on both sides of the line.

Early in 1870 the Canadian Cabinet notified Lord Granville, the Colonial Minister, that it had discontinued the issue of fishing licenses and meant to police Dominion waters in order to prevent encroachments.⁴⁶ It asked for a supplementary British naval force to prevent

⁴⁵ Charles Isham, *The Fishery Question: Its Origin and History*, *passim*; Hugh L. Keenleyside, *Canada and the United States*, Ch. VII.

⁴⁶ Macdonald wrote to John Rose: "We shall fit out six cruisers, which will be employed like *La Canadienne* as a marine police." January 21, 1870; Goldwin Smith, *op. cit.*, 19.

"riotous combinations" among American fishermen. Lord Granville approved this request. On March 12 he wrote Lord Clarendon: ⁴⁷

Their case is that the United States by a hostile system of duties is bringing to bear upon them a pressure calculated to undermine their independence, and their legitimate mode of defense against this is by refusing to allow the United States these fishing privileges, which were only conceded to them in consideration of that commercial intercourse which they now refuse to continue. . . .

It appears to Lord Granville that although Canada might properly be expected to refrain from the assertion of her unquestioned rights while the renewal of the Reciprocity Treaty was under serious consideration, she can no longer be called upon to do so now that the negotiations respecting the renewal are broken off; and at the cost of practically weakening those rights by their continued non-assertion. Nor in His Lordship's opinion can His Majesty's Government properly or wisely refuse her the support of such a force as may be sufficient to secure the colony against lawless violence.

If Lord Clarendon should concur in these conclusions, Lord Granville would suggest that Mr. Thornton should be instructed to communicate them to the United States Government, and should submit the expediency of coming to an understanding respecting the amount of naval force which the British and American Governments should respectively send to the neighborhood of Canadian waters with the view of preventing collisions. . . .

The Admiralty agreed to send an adequate number of cruisers to the Canadian station; Fish was notified of the contemplated steps, and the American Government was invited to coöperate in police measures. Plans had already been made in Washington to send one naval vessel to the fishing grounds.

These Canadian measures gave Fish distinct anxiety. He was regretfully aware that a new reciprocity treaty was impossible. For a time he had hoped for a limited agreement, Canada renewing the fishing privileges, and the United States lowering certain duties upon Canadian products. At the request of Western interests, he had even asked the Macdonald Ministry to make proposals; but early in 1870 his hopes of even this whittled-down scheme faded, for our tariff-protected interests held that Ottawa demanded too much. What then? The Canadians had a clear right to apply the treaty of 1818 excluding Americans from most of the inshore fisheries. But a difference of interpretation existed. According to the Canadian view, American fishermen could not legally enter any bay, no matter how far apart its headlands; according

⁴⁷ Foreign Office Papers.

to the American view, they might enter any bay whose headlands were more than six miles apart. On March 22, 1870, Fish warned Grant that the Dominion was preparing to shut our vessels out of all the bays. The President flared up resentfully.⁴⁸ "I will not permit that," he said, and made the remark already quoted—but for the debt, he would like to declare war on Great Britain, conquer Canada, and wipe out England's commerce.

While Fish did not take the President's petulance seriously, he was worried by the prospect of collisions between American fishermen and Canadian or British patrols. It was this worry which led him to press Thornton on March 24th upon the desirability of Canadian independence, and to talk about an ocean swarming with *Alabamas* if England ever got into trouble.⁴⁹ Fortunately, both governments handled the fisheries question with extreme care. The Navy Department sent the *Frolic* to the Grand Banks. Grant inquired of the Cabinet on April 12 whether her commander should not be given instructions upon the protection of American fishing rights within bays—apparently favoring some stiff instructions.⁵⁰ But Robeson pointed out that difficult questions, affecting the Chesapeake, Delaware, and other bays of our own, would be involved. Fish also protested that the subject should never be committed to a naval officer. Possibly there would be no interference with American vessels inside disputed bays; and if any incident occurred, it should be handled strictly through diplomatic channels. To this wise view Grant assented.

And happily, the British Government acted to restrain the Canadian authorities within strict bounds. Lord Granville complained to Governor-General Young on June 6 that the Dominion's instructions to its cruisers were distinctly more severe than the Admiralty instructions.⁵¹ British naval vessels had been directed to arrest American ships only if they fished in bays with very narrow straits—six miles wide or less; Canadian vessels had been instructed to arrest them even in bays whose entrances were ten miles wide. Granville thought the Canadian position risky and unfortunate. Since Great Britain still hoped to arbitrate the fisheries question, disputes should be avoided "so far as

⁴⁸ Diary, March 22, 1870.

⁴⁹ Diary, March 24, 1870.

⁵⁰ Diary, April 12, 1870.

⁵¹ PRO, FO 115, 503, Enclosure No. 10, presents a mass of material on the activities of the Foreign Office, Colonial Office, and Admiralty during the summer of 1870. On June 16 Granville wrote the Governor-General: "I am glad to observe that the Canadian Government have determined not to exclude American fishermen from the Bay of Chaleur within three miles of land."

this is possible consistently with the substantial protection of the American fisheries." A more urgent letter went to the Governor-General next day, and still another on June 30th. The Canadians had no choice but to make their orders conform with those of Great Britain. Prime Minister Macdonald, who always showed a Scotch moderation and caninness, responded to the British pressure more amiably than some of his headstrong colleagues; for he thought that the Cabinet had been "going too fast."⁵² But the Colonial Office was anxious that this lenity toward Americans should not be construed as a waiver of Canadian rights, and impressed on the Foreign Office the fact that it was merely a temporary arrangement, accepted in the hope that the whole question might soon be settled amicably.

Despite this restraint on both sides, the summer of 1870 was an uneasy one in northern waters. Canada fitted out six cruisers, on the theory, as Macdonald wrote, that the stronger its force the less the likelihood of resistance, complications, and quarrels. They cost the Dominion nearly a million dollars. American fishermen broke the law in large numbers by operating inshore. About 400 American ships were boarded for trespass; fifteen were condemned; many nets were destroyed; and some violent affrays occurred between Canadian and American fishermen. Admiral Fanshawe reported to the Admiralty on November 10, 1870,⁵³ "that the number of United States fishermen is too large and their determination to trespass upon Colonial coast fisheries too general to admit of the law being maintained without vigorous repressive measures." That winter a cruiser was kept in the Bay of Fundy, and according to Canadian observers, saved \$50,000 worth of fish from the Americans. The New England press and Congressmen were beginning to mutter thunderously. Carl Schurz pronounced the Canadian measures "churlish and offensive in the highest degree."

IV

Still another Canadian-American question, that of the northwestern boundary, was brought into momentary prominence by the census of 1870. The old Oregon Treaty had defined the water boundary as the channel separating the continent from Vancouver's Island. But there

⁵² Macdonald had been ill this summer, and his colleagues had free rein; McPherson, *Life of Sir John A. Macdonald*.

⁵³ Quoted in a dispatch of the Colonial Secretary, January 16, 1871, to Fish; Fish Papers.

were two channels. The British maintained that the line ran through the eastern one, Rosario Strait; Americans that it ran through the western, Haro Strait. Between them rose San Juan and several other islands.⁵⁴ The primary importance of San Juan lay in its strategic position—a fort would command the routes for shipping from the Pacific, Victoria, and Esquimalt to the mainland of British Columbia, and cripple the naval defense of that Province. Great Britain had proposed during the Pierce Administration a compromise line, but the offer had been refused. Later Lord Clarendon and Reverdy Johnson might have settled the San Juan question by a simple arbitration treaty had not Secretary Seward insisted on connecting with it the demand for a new British naturalization law. Clarendon was irritated when in January, 1870, the Senate allowed the time-limit of an arbitration convention to expire without action, and Fish made no explanation. As the number of settlers on San Juan increased, their anomalous position under a vague condominium—both nations having a small armed force on the island—became steadily more embarrassing. The law courts of Washington Territory in 1870 were asserting jurisdiction over the persons and property of American residents, and the War Department, to the indignation of Canadians, sustained them. Obviously the courts of British Columbia might easily claim a conflicting jurisdiction, which would mean trouble. In October the governor of the Province resentfully informed the Colonial Office that the United States had taken a census on the island.⁵⁵ As Great Britain had previously understood that nothing of the sort would be done, Thornton forthwith requested an explanation from Secretary Fish.

And in the background, all the while, loomed up vague but important questions of transportation rights on railways and waterways crossing the Canadian-American border. The British Government had maintained since 1818 that it held the exclusive control of navigation of the St. Lawrence in Canadian territory. It had always maintained the possession of a similar control over canals built by Canadian enterprise in British territory, without which navigation of the upper St.

⁵⁴ These islands comprised about 170 square miles. Howay and Scholefield, *History of British Columbia*, II, Ch. XVIII. For the history of this dispute, see Fish, *The Last Phase of the Oregon Boundary Dispute*; Keenleyside, *Canada and the United States*, 230 ff.

⁵⁵ PRO, FO 115, 505, Granville to Thornton, October 21, 1870; Kimberley to Granville, November 22, 1870.

Lawrence was impossible. But the United States had rights which in turn vitally affected Canadian economic interests; rights relating to the transit of goods in bond through New England, lumber traffic on the St. John River, and the navigation of Lake Michigan. A settled *modus vivendi* was essential.⁵⁶

Even the Manitoba-Dakota boundary contributed to the troubles of 1870 by unexpectedly becoming unsettled. About 1850 the United States had sent out Captain John Pope to fix the spot where the 49th parallel crossed the Red River. After several days' work he erected a post on the bank to mark it. For twenty years everyone assumed that the line had been correctly demarcated. To be sure, inhabitants of the American settlement of Pembina, troubled by a whiskey dealer just north of the line, in 1860 erected a new post—the "Whiskey Post"—a mile north of Captain Pope's, and claimed jurisdiction to it; but this was a legal fiction invented to drive out the saloon. Then in the spring of 1870 the War Department sent a corps of engineers to lay off a military reserve near the line, and they made new observations. In consequence they erected a marker about half-way between the original post and the Whiskey Post, but at a point which threw the Hudson's Bay fort there into American territory! In view of the Red River troubles and Fenian and Indian threats both Canadian and American detachments were stationed near Pembina. They were on the best of terms, but the Canadian force now felt unable to occupy the Hudson's Bay fort during the winter of 1870-71. Lieutenant-Governor Archibald wrote from Fort Garry on September 29 that he would prefer to withdraw the troops.⁵⁷

Thus while the Franco-Prussian War was actually strengthening the British position in Europe, a growing complex of Canadian-American difficulties was arousing new irritation north of the border and weakening the "loose the bond and go" school there and in England.⁵⁸ British

⁵⁶ Fish later spoke of the "exaggerated importance" that the West attached to use of the Canadian waterways. Canadian canals were of course essential to navigation from the Great Lakes down the St. Lawrence. Pope, *Memoirs of Sir John A. Macdonald*, 103.

⁵⁷ PRO, FO 115, 505; Archibald to Secretary for the Provinces at Ottawa, September 29, 1870.

⁵⁸ American newspapers made much of a debate in the House of Commons in April, 1870. Robert Torrens moved that a committee be appointed to investigate colonial relations, and was seconded by a member who indignantly urged the tightening of imperial relations, of England's abdication of authority had left it possible. N. Y. *Tribune*, April 27, 1870.

archives are full of Canadian complaints and grumblings against America.⁵⁹ The commander at Montreal wrote the War Office in June that the Americans had done nothing to stop the Fenian outrages. They had allowed arms to be collected on the frontier for months; they had not arrested the leaders until after the attacks; they had refused to pay the fares of the moneyless adventurers home, a measure which would have ended all apprehensions at once; and they had let uniformed Fenians after the St. Albans defeat travel in large bodies to join the attack at Malone. The Canadian Cabinet and Governor-General that month united in a protest to the Colonial Office over the stoppage of the steamer *Chicora* in the Soo Canal, stating that it had *not* contained war material; while they commented severely upon the hostile attitude of the governor of Michigan. "A courtesy of the most ordinary kind," long granted in time of war and peace to American vessels going through Canadian canals, had been refused "without inquiry of knowledge of the intentions of the Canadian Government." Though Canada assented to the British request for moderation on the fisheries, it did so unwillingly. The Minister of Marine and Fisheries protested to the Colonial Office in June against the British policy on the bays as "extremely objectionable." All this reflected public sentiment in Canada.⁶⁰

Altogether, it was clear that the United States, which might have cemented a commercial union with Canada in 1866 and wooed her in a hundred other ways, had clumsily driven her into the British arms. Early in June, 1870, the Macdonald Ministry decided to send Postmaster-General Campbell to London to discuss various questions—boundaries, canals, defense, fisheries—and make sure of a common front against the United States. The Dominion proposed to invoke British aid on half a dozen points. It wished England to suggest the creation of an Anglo-American Commission to settle the fisheries dispute, with Canada fully represented. It wished her to press hard for an indemnity—a good round sum—covering the Fenian raids. It desired a strong imperial

⁵⁹ See, for example, PRO, FO 115, 503, Report of Canadian Cabinet to Governor-General, June 9, 1870. Cf. editorial in *Montreal Star*, June 12, 1870, demanding redress and protection, quoted in *N. Y. Tribune*, June 17, 1870.

⁶⁰ Thornton wrote Clarendon on April 25, 1870, that both he and Blaque Bey, the Turkish Minister, had learned that Egypt was recruiting soldiers in America, and had fruitlessly tried to hire Beauregard. Ben Butler was assisting! His connection, wrote Thornton, was "purely speculative." "But it is not impossible that the government of the United States would not be sorry to see England embroiled in a war on account of Egypt, during which they might endeavour to carry out their covetous aspirations with regard to our possessions in the northern part of this continent." PRO, FO 5, 1192.

garrison at Quebec. Finally, it wanted English aid in building the railroad to British Columbia and so knitting the Dominion together. July found Campbell discoursing to officials in Whitehall and Downing Street, where his ability and tact made an excellent impression.⁶¹ The Ministry assured him that a battalion of infantry and a battery of artillery would be kept at Quebec for the coming winter, and that it approved of a Joint Commission on the fisheries.

Verily, the United States had played its cards ill! As Campbell's mission brought the Dead Sea fruits of its tariff selfishness and its Irish-American demagoguery into clear view, the New York press published resentful comments. This same resentment was displayed in London by Motley. On July 14 he called upon the Foreign Minister. In his last official interview of importance, he broke all his previous records for indiscretion.⁶² He began by referring to the Canadian Pacific Railroad. The project bristled with physical difficulties, he remarked; besides, the American Government would not regard its completion with favor, and hoped that the British Government would turn a deaf ear to Mr. Campbell's pleas. This provoked the Foreign Minister to a stinging rebuke. He could not discuss with Mr. Motley, he said, so purely domestic a question as the construction of a railroad in British territory. Turning to the Canadian demand for a Fenian indemnity, Motley remarked that the United States did not wish to annex Canada. Again the astonished Foreign Minister cut him short by saying that he could permit no conversation on that question. Unabashed, Motley declared that Dominion independence would be beneficial to Canada, to Great Britain, and the United States. Once more the Foreign Secretary curtly informed him that he could not talk on the subject. Speaking privately to Motley, he would say that Great Britain would never keep the Dominion in the Empire against its will; but that Canadian feeling in favor of the existing relation was stronger than ever before—was, he had been told, now almost universal. Fish had of course authorized none of Motley's remarks about the Canadian Pacific or about annexation.⁶³

⁶¹ PRO, FO 115, 504; Kimberley to Governor-General Young, July 27, 1870.

⁶² PRO, FO 115, 504; Granville to Thornton, July 14, 1870.

⁶³ Fish's instructions of January 14, 1870, to Motley, printed in part in *Foreign Relations* and elsewhere, of course bound him to press for Canadian independence; but the Secretary had never intended that he should use his powers so tactlessly. We can understand from the above interview why the British government considered Motley a poor Minister. Thornton told Bancroft Davis this summer: "Motley is a dangerous man, bad-tempered and violent in language, and an intellectual dandy." Bancroft Davis Diary, August 18, 1870.

V

Long before the Canadian Postmaster-General turned homeward from London, it was evident that the Dominion would enjoy full British protection, and that the dream of American acquisition was ended. Realization of this fact came to Fish simultaneously with the realization that Grant would now give him his own way in foreign affairs, and would gladly support an English policy diametrically opposed to Sumner's. And at this moment a third numeral clicked home in the grand combination that was unlocking the door to an Anglo-American accord. We have seen that Lord Clarendon had resented Fish's manner of publishing the Anglo-American correspondence in America. Fish had likewise resented Lord Clarendon's mode of publishing it in London. His diary for February 17, 1870, shows how marked the animosity between the two men had become:

In the conversation this morning with Mr. Thornton the *Alabama* correspondence was spoken of. I objected very severely to Lord Clarendon's course: that it was not frank, the sending the Notes anonymously and then publishing them as official, and his pretense in his dispatch of November 6 that mine was communicated to him personally when at the time he requested "officially" a copy for the purpose of "consulting his colleagues," etc. I told Thornton that that course of conduct had postponed the time for negotiating on those claims; that it could not now be done.

But at the end of June Lord Clarendon lay dead in his London house. A few days later a younger, keener, more conciliatory man, Lord Granville, had taken possession of the Foreign Office. The road lay open, full and fair, for a resumption of negotiations. Fish, Granville, Sir John Rose, all perceived the opportunity. It was to be only a few weeks until it was grasped.

WE have said that like tumblers in a gigantic combination-lock the elements permitting an Anglo-American settlement snapped into place during 1870—Grant's quarrel with Sumner; his surrender of foreign affairs to Fish; Canada's unmistakable choice of Britain as against America; war in Europe; Clarendon's death. But this combination-lock was essentially a silent mechanism. The reader must be warned against an illusion perhaps too easily drawn from these pages. Neither in England nor America did the general public pay anxious attention to the relations of the two countries, or worry in the least about the *Alabama* Claims. On this side of the Atlantic men were much more interested in Tammany scandals, Red Cloud, Mrs. Lincoln's pension, the heathen Chinees, women's rights, Southern amnesty, and assorted murder trials. In England they were far more interested in the Irish question, school reform, Dizzy's new novel, licenses for pubs, Dickens' death, and army reorganization. This healthy indifference quite suited Fish—for he had said that time was needed to let feelings cool. It suited Thornton—for Granville had advised him just after Clarendon's death to let sleeping lions lie.¹ "The less you say on the subject of claims either to Mr. Fish or private persons the better. Silence on your part is most likely to bring them to a reasonable frame of mind." Under the surface, despite their dissemblings, British leaders were worried—but not the British public.

The second week of September found Fish, Grant, and Thornton back in Washington. All three realized that they faced a new situation in Canada. At the first Cabinet meeting Grant brought up the question of pardoning the Fenian prisoners; but Fish urged him to wait until the end of the fishing season—a pardon might irritate the Canadians too much!² There was more talk in Ottawa of excluding Yankee fishing-schooners from Dominion ports. On the 18th Fish mentioned

¹ Thornton had written Clarendon, June 14, 1870 reporting a conversation with Fish: "Mr. Thornton, I don't want your Canada, but I do want it to be independent. I want it not to be a constant cause of dispute between the two countries, and to cease to be a thorn in our side by smuggling and other practices." (Clarendon Papers; Thornton to Clarendon, Private, No. 81; given to author by Mrs. H. W. Wells.) But actually Fish had no such confidence.

² Diary.

Canadian independence, very half-heartedly, for the last time. He and Thornton had a long Sunday-afternoon talk in his parlor, the cicadas shrilling in the trees, the equipages of fashionable Washington raising the dust of I Street as they flashed by. News had come that the Canadian patrol had arrested another Yankee fishing-vessel, and Fish growled over the irritating behavior of the cruisers. "It is vexatious," he said.³ "Even when your men act within the treaty, they discharge their duty in an offensive way. They are creating a state of excitement, a feeling of indignation, that will produce unpleasant relations between the two governments. Great Britain is allowing the Dominion authorities to construe the treaty, and they are abusing the power, it seems, for the purpose of embroiling the two governments. The best solution would be independence. Then the colonies would behave themselves and stop their annoyances." Thornton repeated that his government was "willing and anxious" that the colonies become independent, but it could never force independence upon them. Fish adds in his diary:

He says it is impossible to connect the question of Canadian independence with the settlement of the *Alabama* Claims; not even to provide for the reference of the question of independence to a popular vote; that cannot be agreed to except upon the request of the regularly constituted authorities of the Province. That Great Britain is ready to refer the question of liability for the *Alabama* depredations (adding, "only those of the *Alabama*"; that was the only ship for which we can be liable"). That the Canadians insist that their claims for Fenian raids be included and be an offset.

To my question whether they will agree to submit the question of independence to the Provinces, and to open the fisheries in connection with a reference of the question of liability of Great Britain for the *Alabama*, he says, "No, we cannot submit the question of the colonies except on their own request."

He says British Columbia is nearly unanimous for annexation to the Dominion, and that the feeling through Canada is entirely opposed to annexation, and that independence means annexation—they are one and the same thing. That in Nova Scotia the feeling against the United States and in favor of the Dominion is increasing.

Thornton added that in discussing even the *Alabama* Great Britain could not admit doing wrong, but was willing to let some other Power decide that question. "Why," exclaimed Fish, "you have already practically admitted it. Your amendments to the Foreign Enlistment Act

³ Diary, September 18, 1870.

are an admission. They show either that your government realizes that its laws were inadequate, or that its feeling toward the Powers now at war is different from its feeling toward the United States during our rebellion." But he gathered from Thornton's tone that there was little likelihood of an early settlement of the *Alabama* or Canadian questions—unless the United States made some fresh move.

And the move soon followed. There is no evidence that the surrender of American aspirations regarding Canada cost Fish any great effort. He would have liked to see our flag advanced to the Arctic Ocean. But he realized that with its 3,600,000 square miles the United States already possessed an imperial domain, and might well learn to govern better before it tried to govern more. The demand for Canadian independence had in the main been forced upon him by Sumner and Grant. Before September ended another conference with Thornton revealed the fact that he had reached a crucial decision. He declared, in effect, that Washington would abandon its pressure for Canadian independence if Great Britain would make suitable concessions to settle the *Alabama* Claims and other issues.

This conversation also took place at Fish's house. Thornton called on the evening of September 26; the two settled themselves in comfortable chairs under the blazing gas-jets of Fish's study; and over their cigars they resumed the fisheries question. Fish was full of complaints. The United States asserted that its fishing vessels had a free entry to all Canadian ports; but the Canadians denied this, and their threats of seizure had frightened Yankee ships away and injured the trade on which thousands depended for a livelihood. Thornton protested his desire for a settlement. But, he said, the Canadians regard the inshore fisheries as their property, and England cannot treat them ungenerously. This drew a severe comment from Fish. Great Britain, while professing to be ready to cut the colonies adrift, was always sustaining them in their demands and outcries. For their part the colonies were always presenting baseless claims, and relying upon the motherland to keep them out of trouble. But he suddenly swerved to a momentous proposal—a proposal that all of the fast-increasing Anglo-American issues be taken up together: ⁴

Disclaiming any official character or purport in the suggestion, I asked whether Great Britain would settle all the questions pending between the

⁴ Diary, September 26, 1870.

countries at once. That the United States had refused the arbitration of the *Alabama* Claims, and Great Britain would not settle except upon arbitration. The United States declined a partition of San Juan or arbitration. That if the United States abandoned their opposition to arbitrating the *Alabama* Claims, Great Britain might agree to the American claim of the San Juan boundary line. All commercial claims may be referred to arbitration. The inshore fisheries be opened to American vessels, and in return a more free trade be allowed in certain articles between the United States and its colonies.

He thought there was not enough given in return for what Great Britain would thus concede, and excepted particularly to the cession of their claim to San Juan without arbitration, as involving a "point of honor." I reminded him of what he had told me, that Great Britain attached no importance to the possession and was quite willing to have the question decided against her claim, and to the fact that now it was a joint possession and an acknowledged disputed boundary. On parting he promised to think of it.

In other words, the United States tacitly surrendered its demand for Canadian independence; it equally surrendered its refusal to arbitrate the *Alabama* Claims. Great Britain for her part should surrender on the San Juan boundary, and reopen the fisheries in return for lower American duties on some Canadian goods. All these questions should be settled at one stroke. This was the most hopeful offer yet made on either side. It marked the great turning point in the negotiations on the *Alabama* Claims.

Having made his proposal, Fish was faced by three questions, which we may take up in the order in which he shrewdly dealt with them. What would Grant think of it? How would Great Britain respond to it? Would Senator Sumner throw the weight of his influence against it, or could he, by tactful approaches, be induced to consent?

I

The Secretary at once, as his diary shows, began carefully-planned manoeuvres to bring the President to his point of view. He was too astute to launch a pointblank attack. The only effective method of coping with Grant's mind was to present an idea in such fashion that he would think it had occurred to himself, and then reiterate it mildly but pertinaciously. Already, Fish and Hoar had repeatedly told him that England would never release Canada under threat, but might well let her go after the *Alabama* question was settled. At the Cabinet meeting a few days after his proposal to Thornton, Fish found an opening.

"I mention the desire of many parties interested in the *Alabama* Claims to have that question settled, either by their assumption and payment by this government or by a settlement with Great Britain." They discussed this a few minutes. Grant remarked that if Oliver P. Morton, as he hoped, went as Minister to England, he would soon settle all these vexatious problems.⁵ He would induce Great Britain to pay the actual losses caused by the *Alabama*, agree to a law of maritime neutrality, and submit the question of independence to a Canadian vote. Fish emphatically contradicted him on this last point. "I state what Sir Edward Thornton has told me, that while Great Britain is willing that the colonies separate, she will under no circumstances inaugurate the question, or propose [it], much less force it upon them."

Doubless he said more in a way that gradually sank into Grant's mind. Nor was there any lack of further opportunities to influence the President. The diary contains several such entries as that for November 10: "The President calls this evening while I am at dinner (being alone), and sits with me for a couple of hours." Little by little he brought Grant to realize that Canada had chosen to remain with the motherland, and could not be bullied or lured away.

When Congress met in December, 1870, the quarrel between Grant and Sumner flamed up more luridly than ever; and this simplified the situation. Fish had only to hint that any policy would anger Sumner, and Grant was disposed to favor it. In the President's annual message the Secretary inserted some paragraphs significantly designed to stimulate England to action. He expressed regret that no settlement had been reached with Great Britain, urged Congress to appoint a Commission to list our monetary claims, and asked power to buy them up. When Britain wished a settlement, he added, the United States would consider the subject "with an earnest desire for a conclusion consistent with the honor and dignity of both nations." A stinging allusion was made to the position of Canada—"this semi-independent but irresponsible agent"—upon the fisheries and the navigation of the St. Lawrence, and the hope was expressed that Great Britain would not countenance her position.⁶

⁵ Diary, October 4, 1870.

⁶ Richardson, *Messages and Papers*, VII, 101-106. These passages also satisfied Grant's irritation and made it clear to Congress that the Administration was not supine. They included a request for power to take sharp retaliatory action against Canadian bonded freight and ships. Cf. the pamphlet in the Canadian Archives (No. 3627, Catalogue 1931), "Review of President Grant's Recent Message to the United States Congress."

On December 20 Fish drove the President home from an evening party at Judge Swayne's. General Schenck, the bluff, burly, hard-headed Ohio Representative, had now accepted the British legation, and Fish inquired how much freedom Grant wished to give him in dealing with the *Alabama* Claims. The President replied that he was ready to furnish him the same instructions originally given to Motley. Characteristically, he had forgotten what they were! Fish reminded him that Motley had been directed to say that circumstances seemed temporarily unfavorable to a continuance of negotiations, though the United States hoped they could soon be resumed. "I think the time for reopening them has now arrived," he said. "The British have a right to expect that this government, having rejected the treaty, will indicate the moment for action." Grant assented, saying that he wished Schenck to take up the question and try to effect an agreement. "This," writes the Secretary,⁷ "is the first time he has expressed such a desire."

II

But what of London? At the same time that American policy became more reasonable and conciliatory, so did England's. The reasons were doubtless complex. But there seems no real ground for Charles Francis Adams' view that British relief over the dropping of our Canadian demands was an important factor. The British were never disturbed by these demands, and had never contemplated yielding to them. While most of Gladstone's Cabinet would have been willing to see Canada ask for independence, no power on earth could have forced it to request Canada to go. That would have been shameful and humiliating; it would have been politically impossible. Thornton had written Clarendon on June 14, 1870, quoting Fish:⁸ "You may depend upon it that twenty-four hours after Canada is independent, you and I will be able to settle the *Alabama* question as easily as possible." He had added that Americans still hoped independence would come, "and after its consummation the United States will be able to kick or kiss Canada into imposing the same import duties as may exist in this country. . . ." But such statements as these simply received no answer in London. The question of independence was for Canada to decide alone and unprompted. When the United States realized that the Canadians had

⁷ Diary, December 20, 1870.

⁸ Clarendon Papers, *ut supra*.

in effect decided, the British were pleased but their policy toward America was unaffected. What did affect it was, first, the accession of Granville to the Foreign Office; second, Russia's denunciation of the Black Sea treaty; and third, a realization that the fisheries quarrel was becoming serious.

Clarendon had grown old, tired, ill-tempered, and rigid. Trained in the Palmerston-Russell school of diplomacy, he kept his eye upon Continental affairs and cared little for the bright Cobdenite vision of Anglo-American coöperation. With good reason was his name associated with the Coercion Act of 1847 in Ireland, when he was Viceroy; with the rejection of the first important peace plan in the Crimean War. While anxious to remove the dangerous *Alabama* precedent from England's record, while a lover of conciliation, he was never heartily eager for American friendship.⁹ Granville had more youth, more vigor, more imagination—and he comprehended the profound importance of Anglo-American amity. His grandfather, Lord Gower, had resigned from Lord North's Cabinet rather than support war against the colonists; he himself was a friend of John Bright. An impassioned adherent of international peace, he was eager to win renown by a brilliant stroke in its behalf. So courteous and conciliatory that critics nicknamed him "Pussy" Granville, he could nevertheless maintain the iron grip in the velvet glove.¹⁰ He realized that the time was ripe for ending the chronic quarrel and thus strengthening the cause of popular government throughout the world. His subordinate Hammond in the Foreign Office wrote a friend on August 4, 1870: ¹¹ "At present we are on unusually good terms with our cousins across the Atlantic who seem to have sickened of the *Alabama* controversy in the presence of our masterly reserve on the subject which I was always sure would be intolerable to them." Granville meant to make use of the "unusually good terms."

As for Russia, at this moment it seized advantage of the Franco-Prussian War to take a step which for a time deeply alarmed England.

⁹ See Sir Herbert Maxwell, *Life and Letters of the Fourth Earl of Clarendon* (1913). It should be added, in justice to Clarendon, that he was a man of great courtesy, charm, and wit, and a lover of peace. Bismarck said that had he lived, he would have prevented the Franco-Russian War and thus have balked Bismarck's plans. So far as ability went, he had much more of it than Granville. The continuing force in the Foreign Office—men like Tenterden and Hammond—were at all times eager to remove the troublesome *Alabama* difficulty.

¹⁰ See Lord E. Fitzmaurice, *Life of Lord Granville* (1905). For Granville's supposed willingness in 1869 to let Canada separate, see Arthur Hardinge, *Life of the Fourth Earl of Carnarvon*, II, 17.

¹¹ Hammond to Layard; Layard Papers XXV. Copy through Mrs. H. W. Wells.

The Czar's Government on October 31, 1870, suddenly tore up the treaty-provisions of 1856 limiting her fleet on the Black Sea. It was a bold act. But Prussia was friendly, France and Austria were helpless, and England stood alone as guardian of the treaty. High excitement ensued in London, and for a few weeks the threat of another conflict hung grimly over Europe. Of all the Powers, Russia had shown the greatest sympathy with the North during the Civil War. Had war actually broken out, numerous Russo-American *Alabamas* would have escaped to prey upon British commerce.¹² England knew this, and so did many Russians. Once more, as at the outbreak of the Franco-Prussian War, but more sharply, England had a lesson in the precarious nature of her international situation. While feeling was tensest, the wily Muscovite Minister, Catacazy, called upon Fish (November 17) to suggest steps against England: ¹³

He professes not to have any information beyond what is public; dwells upon the intimate relations of England and the United States, and that now is the time for the United States to settle the *Alabama* Claims; speaks of co-operation with Russia; the freedom of the Black Sea; our interest in the principle involved therein. The interview impresses me with a conviction of his apprehension of a rupture between Russia and England. In case of such conflict he says Italy will take no part; that his government have assurances to that effect. He says that during our war, Napoleon offered Russia the abrogation of the Treaties of 1856 on condition of her moral support of the contemplated intervention by France and Great Britain in our civil troubles.

But unquestionably the largest factor of all in changing England's temper were the fisheries troubles; for they threatened to become even more dangerous than the *Alabama* question. Granville, as former Colonial Secretary, of course understood this situation far better than Clarendon ever had. He realized that the headstrong Canadians might even precipitate a conflict. Great Britain could control the *Alabama*

¹² Cf. Wilhelm Muller, *Political History of Recent Times*, 485. Thornton wrote Lord Tenterden just after the height of the crisis (November 28, 1870): "As far as we can judge by the telegrams it would seem probable that we may escape a war with Russia, at which I shall sincerely rejoice. . . . With regard to this country, I may be wrong in not thinking too ill of its people; I doubt, however, whether they would take advantage of our difficulties. They would like to see us punished but not subdued. I talked with Fish on this, and he says that although better-thinking people might have regard for the duty of neutrals, that there are a multitude of adventurers in this country who would fit out vessels like the *Alabama* and no government would be able to prevent them from sailing." Foreign Office Papers.

¹³ Diary, November 17, 1870.

friction; it could not be sure of controlling the fisheries quarrel. Grant's utterances on the subject in his annual message produced great irritation north of the boundary. The Canadian Cabinet deplored his language as "obviously calculated to diminish the friendly feelings" between the two nations; it "observed with deep regret the animadversions therein on the government of the Dominion."¹⁴ A correspondent of the *New York Times* declared in January, 1871, that the issue could not remain in its present state another year without bloodshed. Ben Butler and others were soon opening their explosive oratory in Congress.

Nor was pressure upon the British Government lacking from other quarters. Financial leaders in Lombard and Wall Streets wished the threat of trouble removed, and brought their influence to bear in both capitals. The London *Spectator* kept declaring that any statesmanlike Foreign Minister would strain a point to satisfy the United States rather than keep England half-crippled in Europe. The London *Times* was saying that the recurrent talk about war was half as bad as war itself; "what we want is settled peace." It was not easy for proud England, rebuffed once on the Johnson-Clarendon Convention, to take the first step toward agreement again. The cordial willingness of British financial interests made this step much easier.

All in all, it is not surprising that when Granville heard of Fish's offer, he sent Thornton an encouraging reply. After expressing a wish that "Sumner would go mad and be done with it," he went on:¹⁵

. . . I am glad to see that Fish is constantly recurring to the questions which are in dispute between us. I have always thought a dilatory despatch would have been better than the hurrying a Convention with Reverdy Johnson, but the firmness with which Clarendon lately adhered to his reticent policy has worked admirably. One proof of it is in the recent conversations you have had, and which you have conducted on your part with great skill and tact. I do not, however, pretend in this state of things on the continent of Europe, that I should not like to make all things snug on your side of the water, and I should be disposed to grease the wheels for the United States to slide back upon if I knew where such an ointment was to be found. Where do you think they would prefer to treat if any basis could be found—here or in Washington?

He personally preferred negotiations in Washington, and asked Thornton whether the United States would be willing to *arbitrate* the

¹⁴ Goldwin Smith, *The Treaty of Washington*, (MS), p. 20.

¹⁵ Granville to Thornton, October 13, 1870; Private. PRO, FO 5, 1362.

disputed points in the Fishery Treaty as well as the *Alabama* Claims. Of course Canadian consent would have to be obtained to any such arbitration. Granville at once passed Thornton's dispatch on to Gladstone, and reiterated his suggestion of a general arbitration, covering both the fisheries and *Alabama* Claims. To his pleasure, the Prime Minister approvingly replied: ¹⁶ "If we could sweeten the *Alabama* question for the United States by bringing in Canada, perhaps we might also sweeten the fisheries question for Canada by paying her compensation for the charges of the Fenian raids. It would perhaps be awkward to do this except as part of a final settlement with the United States."

At this point Lord Tenterden, the able under-secretary of state for foreign affairs, lent his shoulder to the wheel. On November 18-19 he laid two memoranda on Anglo-American relations before Granville.¹⁷ One of minor importance, by Sir Frederick Rogers, permanent under-secretary in the Colonial Office, summarized the Canadian position on the pending issues. The other, by Tenterden himself, was both comprehensive and searching. After describing the numerous causes of ill-feeling between the two nations—causes which between European nations would make war inevitable—he pointed out that another Convention would be hopeless, a special mission inopportune, and direct negotiations futile. But there was one course which, if the American Government were disposed to meet England, might succeed. This was to take advantage of the new questions between the United States and Canada, "and to include all matters in dispute in a comprehensive reference to a joint International Commission. . . ." Once the Joint Commission buckled down to work, it should be able to evolve some plan or plans of arbitration by which the *Alabama* Claims could be cleared up; rules of international law revised; the fishery rights clearly demarcated; the San Juan boundary fixed; and compensation for the Fenian raids adjusted. Doubtless the task would be thorny. But Tenterden expressed confidence in "the sterling good . . . to be found in

¹⁶ Gladstone to Granville, October 14, 1870; Gladstone Papers. Cf. Knaplund, *Gladstone and British Imperial Policy*, 122.

¹⁷ Confidential; Printed for the Foreign Office November 21, December 5, 1870. PRO, FO 5, 1331. These memoranda were a response to Granville's deep uneasiness. He wrote John Bright in November, 1870, that "our present position cripples us in every way. Not only would it do so if we wished for war, but it impedes our pacific efforts, making people attribute to fear that which is prompted by a sense of duty." Fitzmaurice, *Granville*, II, 29.

time of real stress in the American character," and in American abhorrence of the idea of war.

At the same time Granville had a long talk with Sir John Rose, who had now left Canada to embark upon a banking career in England. Rose encouraged him (for he was at first gloomy) to proceed with Tenterden's scheme for a Joint High Commission. On November 22d Granville sent the two memoranda, with an exposition of Rose's ideas, to Gladstone.¹⁸ "It would be necessary to sound Fish and Macdonald, but if there is any chance of success we might try a Commission," he wrote. Suggesting that Lord Derby, Milner Gibson, and Rose would make excellent members, with Tenterden as secretary, he concluded: "Pray turn this over in your mind. No time should be lost." Gladstone returned his immediate approval. Thus within a week the British Government had been won over to an ambitious scheme—a scheme which went back to the talk between Fish and Rose in midsummer of 1869 and to Fish's suggestion of a Joint Commission.

For sounding out Fish and Macdonald, Rose was clearly the best agent available. Granville suggested that he go at once to Washington.¹⁹ The financier cordially approved the plan, and submitted a memorandum of his own²⁰ to the Cabinet which argued that the iron was at last hot, and which was notable for its emphasis on economic considerations. The American Government, he wrote, was anxious to refund its debt in Europe at a lower interest rate, and aware that this would be difficult until peace with England was assured. The *Alabama* claimants, who included men of considerable importance, would support a settlement. He believed that American business men were tired of the quarrel, and that public opinion would greet fresh negotiations with cordiality. Finally, Rose pointed to the advantage of dealing with a Secretary of State who had shown an honest zeal for a fair settlement, and who would make an upright negotiator. If England waited, she might have to deal with a Morton or a Zach Chandler.

A few days later news came from Thorton of another auspicious conversation with Fish. This discussion is best described in Fish's own diary:²¹

¹⁸ Confidential; Gladstone Papers, copy through Mrs. H. W. Wells.

¹⁹ Granville to Gladstone, December 3, 1870; Gladstone Papers.

²⁰ November 26, 1870; Printed for the Foreign Office December 5, 1870, PRO, FO 5, 1331.

²¹ Diary, November 20, 1870.

Sir Edward Thornton. In the course of a long friendly conversation, the subject of the *Alabama* Claims being referred to, he expresses a wish that they may be settled, and would like to know what we wish. I reply, "Full payment for all losses actually sustained and some satisfaction for the general wrong." He says that involves the admission of wrong on their part, which no government can make and sustain itself, which I controvert, but insist that we will not submit the question of *liability* of Great Britain to arbitration; we will submit the question of *amount* of damages. We regard these claims as *national*, and not to be mixed up with, or liable to be offset by, any ordinary commercial claims which continually arise between nations. We must have some recognition of a wrong *done*, *some expression of regret*, *some kind word*. That the recent amendment of the Foreign Enlistment Act is an acknowledgment that their laws were insufficient for the observance of their international duties.

They spoke of new rules of maritime neutrality, and Fish showed the Minister a rough list of suggestions. Then the conversation went on:

In connection with the question of the fisheries, he asks if the United States would not be willing to purchase the right of inshore fishery, so as to enjoy the same privileges as the Canadians or British have. I decline to consider it; do not think it possible to arrange the question in this way, but ask what his estimate of the value of the franchise would be. Making some little calculation, he says (professing ignorance of the subject), "Well, I suppose perhaps \$200,000 a year." I remark, jocularly, "We may allow you something for it on account when you pay the *Alabama* Claims."

It will be noted that Fish had made no mention whatever of Canadian independence, and no reference to the Queen's proclamation. The Cabinet, seeing a cabled report of this conversation, felt that the outlook fully justified Rose's errand. "The first thing needful," wrote Tenterden,²² apropos of Thornton's report, "is a little good will on the part of the American government and Congress"—and Fish's statements certainly indicated his own good feeling. Rose could act more freely than Thornton because he would be an unofficial negotiator. If the United States proved stubborn after all, England would not have receded from her strong position; if she proved conciliatory, the discussions could be made official. The Cabinet approved a set of instructions to Rose. He was asked, as a private visitor to America, to ascertain the attitude not merely of public men but of influential private citizens. He was to make these inquiries under two principal heads.

²² Tenterden circulated Thornton's report to the Cabinet with a memorandum of his own, dated November 22, 1870; PRO, FO 5, 1331.

"The colonial question threatens to assume serious dimensions if neglected. The *Alabama* question is perhaps the most dangerous from the spirit in which it has been dealt with in the United States, and the exaggerated pretensions which have been put forward. . . ." But he was not in any way to pledge the government.

At the Cabinet meeting on December 9, 1870, Fish triumphantly announced that the British Ministry, according to a letter he had just received from Sir John Rose, seemed ready to embark upon negotiations. Rose professed to speak without authority, but everyone knew his close relations with Granville. Grant made no demur—indeed, no recorded comment.²³

III

New Year's Day, 1871, saw Rose upon the ocean. January 9 found him in Washington. That evening he and Bancroft Davis dined at Fish's house. At nine o'clock they withdrew to Fish's study, and it was nearly three the next morning before Fish lighted Rose to the door.²⁴

Since Rose understood how keenly Fish desired a settlement, he turned the discussion without preliminaries to the question of possible terms. The Gladstone Ministry, he stated, was willing to place all the pending issues before a Joint Commission, framed somewhat upon the model of that at Ghent in 1814, which should draft a treaty. He emphasized the importance of reaching an agreement while feeling in England was friendly and before the Tories came back into power. In reply, Fish said that it was important to have a certainty of success before the Commission was created, for failure would leave matters worse than before. He referred in tentative fashion to the possibility of a territorial cession by England. But when Rose observed curtly that his instructions did not touch that subject, it was dropped. Fish then asked whether Great Britain would confess in advance her liability "for what were known as the *Alabama* Claims." Sir John replied that he believed not, but that she would arbitrate the question. Then, rejoined Fish, it was useless to talk of a Joint Commission; for our Senate would never ratify a treaty which did not assert British liability for the destruction wrought by this cruiser.

The discussion grew animated, but Fish was obdurate. He spoke of

²³ Diary, December 9, 1870.

²⁴ Diary, January 9, 10, 1870; Davis, *Mr. Fish and the Alabama Claims*, 59, 60.

the feeling in the Senate, where one-third the members could defeat a treaty; of the feeling throughout the country. As Bancroft Davis tells us in a memorandum written at the time; "He repeated the necessity for a recognition of liability as to the *Alabama* preliminary. He said that he did not ask England to humiliate herself—to say that her laws were insufficient, or her Government unfaithful to its duties; that it seemed to him that England might very well feel that, owing to the negligence of unfaithfulness of a local officer, this vessel had been allowed to escape against the directions of the Government, and that therefore the Government had become liable, and should couple this statement with an expression of regret for what had taken place to disturb the relations of the two countries—that less than this the United States ought not to be and would not be satisfied with."²⁵

Before Fish and Rose parted that night they had reached an agreement on several points, though still in disagreement upon this one. They had tentatively devised a simple *modus operandi* if further discussions seemed to warrant action. The British Government would propose a Joint Commission to settle all the Canadian questions—the San Juan boundary, the fisheries dispute, and minor issues. The American Government would then propose the inclusion of the *Alabama* Claims, and England would assent. Once the two nations met in commission, as Fish and Rose agreed, their representatives could hardly part without devising an acceptable treaty. On January 10 Sir John cabled to the Foreign Office a confidential memorandum covering the points discussed, which next day he laid before Fish.²⁶ For a short time Fish continued to insist that the British should admit at the outset their liability for the cruiser *Alabama*, while Rose continued to demur. But almost at once Fish showed signs of yielding this point. On January 11 Rose sent over a note—he trusted the Secretary could soon "say whether you see your way to going on supposing the condition cannot be acceded to on the terms you wish." Fish was non-committal, but returned the memorandum "with thanks and with hopes." "I am delighted," replied Rose,²⁷ "to see the two last words of your note."

Fish of course kept Grant closely informed of the conversations. He suggested on January 10 that the British should send their commis-

²⁵ Memorandum by Bancroft Davis; a copy (complete) in the Fish Papers.

²⁶ Also in the Fish Papers.

²⁷ Fish Papers.

sioners as soon as preliminaries had been settled, and that Schenck delay his departure for London until after they arrived. Though Grant momentarily objected to a High Commission, he quickly accepted the Secretary's views. "At first," writes Fish in his diary,²⁸ "he expressed his unwillingness to hasten the negotiation in advance of Schenck's departure, but on [my] mentioning that Schenck would of course be one of the commissioners and delay his departure in case the proposal is well entertained, he objected that the commissioners would come with instructions, which they could not yield, and that probably more concessions could be obtained from Schenck abroad than from British Commissioners here." Fish knew that this simply was not true. If Schenck went to London at once, he would find the Ministry completely occupied with Parliament, with the Black Sea question, with the Franco-Prussian War, and with Gladstone's reforms. Long and dangerous delays would ensue. He pointed out that if the British sent high commissioners over, it would be with the determination to settle all the issues, and a satisfactory treaty would result. At last Grant yielded. "He assents," writes Fish this same day, "and desires me to see Schenck, expressing a reluctance to agree to any arrangement which might disappoint him."

In gaining this decision, Fish made sure that the negotiations would be kept squarely in his own hands. And the good-natured Schenck instantly bowed to Fish's plan. He called at the State Department later that day:²⁹

I mention to him Sir John's proposal, and read to him the memorandum and ask his opinion both as to the general proposition of sending Commissioners and the question with respect to [demanding admitted liability for] the *Alabama*.

He thinks there will be more probability of agreement if the Commissioners come here, and agrees that there is great doubt of the liability of Great Britain for the acts of some of the cruisers other than the *Alabama*, and that if Great Britain admits her liability as to the *Alabama*, the country will be satisfied and the Senate ratify the treaty.

I intimate to him that should this course be adopted, he of course will be named one of the Commissioners, and that although by the rule of the Department he is allowed pay for only thirty days while awaiting instructions, any additional delay in consequence of this suggested arrangement will be allowed him.

²⁸ Diary, January 10, 1871.

²⁹ *Ibid.*

The Cabinet discussed the British proposals on January 17, Fish reading the record of his first long conversation with Rose, and Sir John's "memorandum" of January 10. He told also of what he was doing to consult the leading Senators. After a discussion, Grant polled the Cabinet. Each member expressed himself in favor of Rose's proposals, on the express understanding, as Fish records, that Great Britain would "admit her liability for the losses sustained by the acts of the *Alabama*, including the expenses of the Government incurred in her pursuit and capture, and that the question of the liability for the losses sustained by the other vessels, together with the question of liability for any consequential damages, should be referred to the decision of some tribunal to be mutually agreed upon." This was a stiff set of conditions. Fish and Rose were already at odds on the first clause of it. But the most significant part of the Cabinet's pronouncement, in view of later events, was its emphasis on the consequential damages.

The deadlock upon a British admission of liability for the *Alabama's* work of destruction was broken in the simplest possible way—Fish yielded the point. He held out until the end of January. He was genuinely afraid that the Senate would not ratify a treaty without such admission. Sir John Rose, anxious to meet his views, followed his "memorandum" by a "confidential memorandum," suggesting some vague British expressions of a desire for a complete settlement. Fish thought this insufficient. Rose then did some rather frantic telegraphing in an effort to get the Foreign Office to meet the United States half way. On January 21, in fact, he and Thornton jointly proposed to Granville that he come decidedly more than half way.³⁰ They suggested that Great Britain concede liability for the *Alabama*, while leaving that for the tenders to arbitration; that if the United States refused to arbitrate the San Juan line, Great Britain cede the island; and that all other questions be settled by arbitration. This aroused Lord Tenterden's ire. He commented scornfully that the American proposals regarding San Juan looked like an effort to "ascertain Sir John's squeezability." Word went back to Rose to press for unconditional arbitration, and he did so. Lord Granville believed that on the question of the cruisers Great Britain had an impregnable legal case, and that the American demands were still largely sentimental. He wrote Thornton that the Government would express regret, but it would not do more. "If my pigeons took

³⁰ Foreign Office Papers.

the rinderpest to your oxen," he humorously added, "there are no regrets which I would not express and feel, although I should decline to replenish your stalls."⁸¹

When Fish suggested that there should be at least a previous understanding as to an indemnity for the *Alabama's* acts, Gladstone himself sent Thornton a peremptory instruction that no foregone conclusion as to a money-payment could be admitted.⁸² To save the negotiation, Fish had no course but to give way—and he did so. As a matter of fact, some Senators objected to putting the claims for the cruiser *Alabama* on a different footing from those of other cruisers.

IV

The next question was as to the attitude of the Senate, and especially the Foreign Relations Committee under Sumner. How would it regard a Joint Commission? Fish knew that he could count upon the support of Senators Cameron, Morton, and Harlan, and he believed that Schurz and Patterson would favor the plan on its merits. Though Patterson was from New Hampshire, he had complained of Sumner's arrogance. But first of all the subject had to be brought before Sumner in order to satisfy his proud sense of precedence. This was embarrassing; the Massachusetts Senator, not content with breathing fire and brimstone against Grant, had of late been almost equally violent toward Fish. How should he be approached? Fish consulted Schenk. "It is finally agreed," he records,⁸³ "that I invite Patterson to a confidential interview, explain the case to him, and get him to see Sumner; to say to him that the negotiations with Great Britain have 'assumed a new phase'; that I desire to present it to him, but have heard that owing to some recent events he had expressed himself in such terms toward me that I am not sure if he would desire an interview with me; and thus request Patterson to ascertain, etc., etc."

Grant characteristically demurred. He wished to ignore Sumner entirely. But Fish explained that the Senator's consent would save much trouble, while if he remained hostile, the request would show that the Administration had manifested due respect to him and would deprive his opposition of much of its force. "Well," said Grant grudgingly, "I will leave it wholly to you." Patterson, after playing his part as in-

⁸¹ *Ibid.*

⁸² PRO, FO 5, 1296.

⁸³ Diary, January 10, 1871.

termediary, reported that the Senator would be glad to talk with Mr. Fish.³⁴ "Mr. Sumner said he could never feel or say anything unkindly of you, as your friendship had a standing of twenty years. He does, however, condescend to feel a little pity that one so well inclined by nature should have allowed himself to have drifted into a support of what he deems the President's bloody lawsuit with San Domingo, or rather Hayti. He has not yet read your reply to Mr. Motley, and will not for several days, and therefore holds his judgment in reserve on that issue. On the whole, Mr. Sumner will be glad to see you. . . ." On Sunday the Secretary crossed Lafayette Square to one of the most curious interviews of his career. He writes: ³⁵

Call upon Sumner, introduce the question and read to him Rose's confidential memorandum. He declaims. Boutwell comes in at this point; conversation continued. Sumner insists that it should be understood in advance what Great Britain is willing to agree to on the several questions. Boutwell says he has learnt through his bankers that Great Britain intends to concede the inshore fisheries in consideration of our yielding San Juan. I say that cannot be conceded; the West will be united against the cession of San Juan.

I try to obtain from Sumner an expression of opinion as to the answer to be given to Rose; ask what will be the candid judgment of the world when it is known that Great Britain makes the overtures she has made, if she accompany them with a distinct understanding that her liability for the acts of the *Alabama* is to be admitted, if the United States decline the negotiation. Refer to the danger of actual collision on the fishing grounds, and the serious complications that would ensue.

Finally I tell him that I have come officially to him as Chairman of the Senate Committee on Foreign Relations to ask his opinion and advice; that I am entitled to it, as I must give an answer, etc. [i. e., to Sir John Rose]. He says that it requires much reflection, etc. I then on leaving him request him to consider the subject and to let me know his opinion within a day or two.

As Sumner's chilly demeanour portended, two days later he sharply rejected the plan for a Joint Commission. His attitude toward Great Britain was dictatorial. Canada would no longer satisfy him; the British flag must come down everywhere in the New World. He did not take the trouble to write Fish a courteous letter. He merely sent a paper headed "Memorandum," and signed by his initials.³⁶ Its three significant paragraphs were as follows:

³⁴ Senator J. W. Patterson to Fish, January 12, 1871; Fish Papers.

³⁵ Diary, January 15, 1871.

³⁶ Dated January 17, 1871; Fish Papers.

The greatest trouble, if not peril, being a constant source of anxiety and disturbance, is from Fenianism, which is excited by the proximity of the British flag in Canada. Therefore the withdrawal of the British flag cannot be abandoned as a condition or preliminary of such a settlement as is now proposed. To make the settlement complete the withdrawal should be from this hemisphere, including provinces and islands.

No proposition for a Joint Commission cannot be accepted unless the terms of submission are such as to leave no reasonable doubt of a favorable result. There must not be another failure.

A discrimination in favor of claims arising from the depredations of any particular ship will dishonor the claims arising from the depredations of other ships, which the American Government cannot afford to do; nor should the English Government expect it, if they would sincerely remove all occasions of difference.

Instead of accepting conciliation, Sumner thus moved toward complete intransigence. His demand that England give up everything—Canada, Jamaica, Bermuda, the Bahamas, Trinidad, her other islands, British Honduras, British Guiana, the Falklands, and South Georgia—was midwinter madness. Moreover, he displayed an increased personal hostility toward Fish. George W. Blunt reported that he had said: “Mr. Fish has insulted the most illustrious citizen of Massachusetts in my person.” As Fish dryly noted in his diary, this raised two questions. Had he really insulted any citizen of Massachusetts? Was Sumner the most illustrious citizen of that State? “The former I deny, the second I doubt.”³⁷

Within a few days Fish had the complete backing not only of Grant, but of a majority of the Foreign Relations Committee, with other leading Senators. He talked with them one by one. He showed them the papers from Rose, the “memorandum” and “confidential memorandum.” Morton and Harlan had always been certain. Schenck promised his support on the 10th, Patterson on the 11th, and Cameron on the 13th.³⁸ Zach Chandler, recently so bellicose, declared that he was no longer in favor of keeping the question open, and thought the country desired an immediate settlement. Conkling earnestly desired a treaty; Morton remarked that Sumner might be as nasty as he pleased, but “there can be no doubt of the Senate.” Only the lanky Schurz, always close to Sumner, refused to commit himself. Fish records:³⁹

³⁷ Diary, January 17, 1871. ³⁸ Diary for these dates. ³⁹ Diary, January 14, 1871.

Carl Schurz comes by my request. I state to him Rose's proposal, and read the memorandum of conversation with Rose on the 9th inst., and also Rose's confidential memorandum. He is guarded and reserved in his replies; does not commit himself, but inclines to the opinion that a settlement is desirable; but I fail to obtain from him a positive expression of opinion as to the terms on which he thinks the *Alabama* question should be settled. He rides with me from my office and I leave him at the Treasury; on the way he becomes less reserved, and intimates a more favorable opinion of a settlement on the basis of Great Britain's recognitions of liability for the *Alabama* and reference of the question of liability as to the other vessels. Asks if I have consulted Sumner . . . on the whole, it seems to me that Schurz's judgment is in favor, but he waits to learn Sumner's view.

v

By January 24, Fish felt able to give Sir John Rose a final and favorable answer. Chatting confidentially and cordially at the Secretary's house, the two settled all details agreeably. Fish remarked that, after consulting others, he had decided not to insist on a British admission of liability for the depredations of the *Alabama*. He was content to say that "*it would be essential that some important concessions should be made as to that class of claims, and some expression of regret at what had occurred.*" Sir John remarked that these concessions could be inserted into the treaty drawn up by the Joint Commission. Fish then confidentially showed him Sumner's memorandum demanding the "hemispheric withdrawal" of Great Britain. But England need feel no alarm over Sumner's latest absurdity, he added; the British Commissioners would be received in the same cordial spirit in which they had been sent, and the Administration would spare no effort to secure a favorable result. "Even if it involves a conflict with the chairman of the Foreign Relations Committee," he concluded.⁴⁰

That same day Fish told the Cabinet of his assurances to Rose. It is perhaps significant that, immediately afterward, Boutwell stated that he would soon be prepared to attempt the refunding of part of the colossal national debt at a lower interest rate. Refunding in an atmosphere of peace would be a very different matter from refunding under threat of possible war. And the tax-pressed nation sorely needed a reduction of the interest on its debt.

The British acceptance for which Sir John Rose at once cabled

⁴⁰ Diary, January 24, 1871.

could now be taken for granted. Many English newspapers were clamorous for a settlement. In reply to a plea from the British Chamber of Commerce for prompt action, Gladstone announced on January 29 that the Ministry was doing its utmost to bring about a settlement, and wished to close the controversy as soon as possible. On February 2, 1871, Sir John brought word to the State Department that the British Government had agreed.⁴¹ The final step in the creation of the Joint Commission is thus recorded in Fish's diary:

February 3rd, Friday.—Sir Edward Thornton calls before breakfast; returns the draft of proposed reply which I sent him by Rose last evening, with entire approval. Leaves with me a proposed draft of a further note, accepting terms to include the *Alabama* Claims in the Commission, providing all other claims of citizens or subjects of either party against the other government be also included. I remark that the terms are broad and enquire what is meant to be covered by it; that it might include claims for the Confederate debt, which by the Constitution cannot be allowed or paid. He replied that "of course they could not be presented"; that the British Government had recognized the Confederates as belligerents, but there were cases of seizure and arrests, of destruction of property, which might have been prevented. He proposes that the several notes be antedated so as to allow an interval sufficient for them to have been transmitted and considered.

Fish was anxious for rapid action, for he shrewdly perceived that it would produce a good impression if the British Commissioners arrived and made substantial progress in their work before Congress adjourned. He was also shrewdly anxious for a Commission large enough to represent all sections of the country, and suggested five men on each side to Thornton. The latter assured him that London would not object, pointing to various precedents—notably at Ghent in 1815—for large Commissions. As early as February 6 Thornton confidentially told Fish the names of the men England proposed to send over, Earl de Grey and Sir Stafford Northcote being the chief.

At the Cabinet meeting of February 3, the composition of the American Commission was discussed at length. Fish urged the importance of having all sections and both great parties represented. He proposed, besides himself, Schenck, Rockwood Hoar, John A. Campbell (an able Alabamian who had been justice of the Supreme Court 1853–1861),

⁴¹ Lord Granville agreed only to an expression of regret, and to a restatement of the rules of international law; he did not agree to admit in advance British liability for the depredations of the *Alabama*. Cf. John Bassett Moore, *International Arbitrations*, I, 523 ff.

and George H. Williams of Oregon. There was general agreement on all these men except Campbell. Several doubted whether he was qualified, and all whether it was really wise to name a Democrat—above all to submit to a sympathizer with the Confederacy the legitimacy of acts which had benefitted that government. Someone suggested Thomas A. Hendricks of Indiana, a prominent aspirant for the Democratic nomination in 1868. But Fish remarked that Hendricks might be sufficiently partisan to make delays and try to deprive the Administration of the credit of settling these questions. Grant proposed one Samuel Glover of St. Louis, a Democrat and a lawyer; but nobody else had ever heard of him.⁴² It was not until February 7 that the Cabinet decided the fifth place should go to Justice Samuel Nelson, a Democrat whom Tyler had appointed to the Supreme Court from New York, and who possessed an extensive knowledge of international law.

Already the press was making much of the prospect for a friendly settlement. On February 10 the correspondence between Fish and Thornton (the dates slightly juggled by mutual agreement) went to the Senate, together with the names of the American Commissioners. They produced a favorable impression. Secretary Fish was to be chairman of the American group. Everyone knew that his would be, as Bancroft Davis later wrote it was,⁴³ “from beginning to end the inspiring, regulating, and dominating mind.” Justice Nelson’s conscientiousness and wisdom were much admired; the quick, witty, and learned Rockwood Hoar would obviously be a pillar of strength; and Schenck was widely liked for his patient party loyalty.

American sentiment had now, as even Zach Chandler admitted, veered to a point where it favored a prompt and reasonable agreement with Great Britain. Indeed, public feeling had never responded strongly to either the bellicose utterances of Butler and Chandler, or to Sumner’s bait of greedy annexations. Apart from the demagogues and the aggressive Irish Fenians, surprisingly few men cared much about acquiring Canada.

At all times the feeling of Brother Jonathan toward John Bull is a compound of divergent elements. He is determined to insist upon his spiritual independence, his equality, and even his superiority; he intensely resents any patronage or gush; he is quick to feel any injury.

⁴² Diary, February 3, 1871; PRO, FO 115, 524, Thornton to Granville, February 6, 1871.

⁴³ Davis, *op. cit.*, 70.

The anger aroused during the Civil War by the hostility of many Britons and the blunders of others was naturally slow to evaporate. But even that had been largely a family anger; the American people showed a special acerbity because they had expected a special sympathy. And as time softened it, as part of the British press and people expressed a genuine regret, as Americans remembered how manfully many English leaders and most British workers had stood by them, other forces came into play. A sense of kinship was profoundly important; not mere sentiment, not the tie of blood, but the proud remembrance of a common language, literature, and political tradition, together with a consciousness that the Anglo-Saxon nations have always been distinguished by a flair for political compromise. Adam Badeau had just published simultaneously in *Harper's Magazine* and *Macmillan's Magazine* an article on Anglo-American relations which was known to have the approval of Grant. After bringing out the fact that larger elements in Great Britain had sympathized with the North than most men supposed, he had written:

There are peculiar reasons why America and England should not quarrel. They stand in the van of modern progress. In America the great obstacle and reproach to freedom is removed, after a fierce struggle, and the nation is once more looked to as the day-star in all lands interested in liberty or the advancement of human rights. In England the ceaseless but silent revolution still proceeds which has made her all she is. Every day the poor are elevated, their condition ameliorated, their privileges extended; the distinctions of class are less apparent; the nation becomes more really democratic.

But above all, practical considerations were potent on both sides of the water. The long-continued quarrel was hurting trade and making financial circles nervous; hard-headed citizens realized that the two nations could do each other enormous harm if enemies, and much good if friends. Fish and Granville had moved at just the right moment.

"I cannot be mistaken," Thurlow Weed wrote Fish,⁴⁴ "in assuming that there is a very general desire in our country for an adjustment of our differences with England, nor can I doubt that an arrangement just and honorable to both governments would be accepted by our people." Weed, always deeply concerned over the difficulties with England, felt that too much weight had been attached to the rejection of the Johnson-Clarendon Convention. "The two Johnsons, rather than

⁴⁴ Weed to Fish, January 21, 1871; Fish Papers.

the treaty, were on trial—one for bad temper in vetoes, and the other for bad taste in dinner speeches.” He held documentary evidence, supplied him by London friends and by Gladstone, to show that the last official act of Prince Albert was to soften the dispatch demanding the surrender of Mason and Slidell. “I intended, if the emergency required it, to prove that but for the friendliness of the Queen, the Duke of Argyll, Milner Gibson, and the Houses of Parliament, we should in 1862 have had two wars instead of one upon our hands.” Another straw which showed how the wind was blowing was a long letter by the eminent railway-builder, John Murray Forbes, in the New York *Evening Post* (January 19, 1871). He had himself sustained losses from the Confederate cruisers. But, repudiating Sumner’s extreme views, he declared that the time had come for an adjustment on moderate terms. The American people had genuine grievances; but they ought also to recall what a debt of gratitude they owed to the British masses who, while suffering misery under the cotton famine, had still stood by them, and to Cobden, Bright, Argyll, Sir George Cornwall Lewis, and others who had prevented Great Britain from joining Napoleon III in recognizing the Confederacy. The now friendly British government, wrote Forbes, ought not to be asked to make any “humiliating apologies.”

Grant, ever since Sumner’s memorandum was shown him, had manifested an intention of supporting Fish to any limit against his critics. For example, the question of the secretaryship to the American Commissioners came up at the White House.⁴⁵ Fish mentioned that while George Bemis knew more about the *Alabama* case than anybody, he distrusted Bemis. Boutwell cut in. “I would not have him associated with the settlement of the case. He is the mere shadow of Sumner, and will do whatever Sumner wants; and if, as I believe, Sumner means war upon the Administration and hostility to the Commission, Bemis will work into his hands.” Grant said curtly that it would be unwise to have him with the Commission and that he would not hear of his appointment.

VI

On February 24, 1871, an air of expectation pervaded the dingy quarters of the State Department in the old Orphan Asylum building.

⁴⁵ Diary, February 13, 1871.

At a little past ten o'clock carriages clattered up outside. A moment later the doorkeeper ushered in the British members of the Joint Commission. Sir Edward Thornton, with his usual dignity, introduced them. At their head was Earl de Grey and Ripon, President of the Council in Gladstone's Cabinet.⁴⁶ With him were Sir Stafford Northcote, Conservative member of Parliament from South Devon, a civil service reformer who was later to be one of Disraeli's best lieutenants and one of the ablest finance ministers England ever had; Professor Mountague Bernard, Chichele Professor of International Law at All Souls' College, Oxford; and Sir John A. Macdonald, Prime Minister of Canada. Thornton held the same position in the British group that Schenck held in the American. They were an interesting group. The heavily-bearded, earnest-eyed de Grey and the moderately-bearded, stern-eyed Northcote received the most attention. Actually the ablest of them, and the one who will live in history when all the others are forgotten, was the tall, stooping, clean-shaven, canny-looking Macdonald—a striking figure as he stood beside Bernard, with his look of a frustrated country vicar. Macdonald was not quite the Washington of Canada, but he was at least its Hamilton.

A general conversation ensued. All was cordiality. Before the visitors left it was agreed that the first meeting of the Joint Commission should be held on the following Monday.⁴⁷

When this reception took place, Fish was within a few days of the second anniversary of his assumption of the State Department. He looked back upon these two crowded years with mixed emotions. What a series of rapids, bristling with rocks, laced with foam, he had been compelled to run! Caught from his quiet employments at Garrison, thrust to the helm of the nation's foreign department, compelled to deal with malice domestic and foreign levy, he had fixed his course by the single lodestone of peace. A new, inexperienced, self-distrustful man, strong only in probity and conservatism, he had drawn upon resources of tact, shrewdness, and firmness previously unknown even to himself. At last he could say that he was succeeding. In these two years he had averted a war with Spain when circumstances made it seem unavoidable. He had saved the Administration from the worst consequences of Grant's blundering impetuosity in Santo Domingo. He

⁴⁶ See Lucien Wolf, *Life of the First Marquess of Ripon*.

⁴⁷ Diary, February 24, 1871.

had given it balance and dignity at home and abroad. And now he was inducing the haughtiest and most powerful nation on the globe to acknowledge the wrong she had committed, and with the coöperation of that nation was on the point of bringing about the first great arbitration of modern times.

“The greatest glory and the greatest happiness” of his life—thus he had written a year before of the possibility of a settlement with England. It was now within his grasp. All men have their ideals, whereby we judge them. Zach Chandler had seen the vision of 200,000 American veterans marching into Montreal. To Sumner had come a vision of his statue rising above the St. Lawrence, the architect of Manifest Destiny and the grand reviser of international law. The simple, unimaginative gentleman from Garrison had formed a simple, unimaginative ideal, devoid of martial pomp, personal vanity, or nationalistic glory: the ideal of not two but three great kindred democracies at peace, their differences justly settled, their paths stretching side by side into the remotest future.

At the very moment when Fish, De Grey, and the other members of the Joint Commission buckled down to the labors which resulted in the Treaty of Washington, the quarrel between the Administration and Sumner came to its bitter climax. The Massachusetts autocrat still enjoyed a greater prestige than any other Senator, still exercised a potent sway over his old Abolitionist and Radical following. But Grant was of too military a temper to endure insubordination long. He and the hard-fisted politicians about him resolved that Sumner should be shorn of the chairmanship of the Foreign Relations Committee; and immediately after the new Congress opened on March 4, 1871, they brought the question before the Republican caucus. In a sense, it was a battle between the old Republican order and the new; between the last great representative of the Vindictives of the period of sectional upheaval—for Thad Stevens, Ben Wade, Stanton were all gone—and the rising new school of Stalwarts who based their political power upon the strength of special interests and of well-gearred machines.

Sober friends of both Grant and Sumner had hoped that their conflict, bitter indeed when Sumner defeated the Santo Domingo treaty and the President asked for Motley's resignation, might end at that point. Each had dealt the other a heavy blow. The Santo Domingo treaty had deserved defeat; Motley had deserved dismissal. Why not let the quarrel end there? But such hopes took little account of the temperament of two born fighters. Neither Sumner, fierce in his prejudices, fiery in his oratory, adept in stinging epithets, nor Grant, the grim exponent of relentless slugging warfare, was a man whose blood cooled quickly. A vindictive spirit rowelled them both. Lurid newspaper stories and mendacious gossip added to their resentment. The battle had to be fought to the grim end, and that end might easily be predicted—for Grant was armed with the greater power, and determined to halt at nothing to vanquish the haughty Bostonian.¹

I

It must be counted against Sumner that he took the aggressive and rushed upon his fate. It was he who kept the Motley controversy alive

¹ Cf. Schouler, *United States*, VII, 167.

throughout the fall of 1870; it was he who reopened the Santo Domingo quarrel in December by the gratuitous invective of his "Naboth's Vineyard" speech. He was probably the most intolerant man that American history has ever known; and as it is written that they who take the sword shall perish by the sword, so also it might be written that those who resort to intolerance shall perish—yea, and their good fame after them shall perish too—by the intolerance they create.

In private conversation during the latter part of 1870, Sumner unquestionably referred to Grant in highly opprobrious terms. The evidence is overwhelming. Bancroft Davis testifies that the Senator "spoke publicly, abusively, and insultingly of the President" even before Motley's recall.² The historian Schouler, then a young lawyer in Washington, heard that he stigmatized Grant as "a colossus of ignorance" and Fish as "a gentleman in aspect with the heart of a lackey."³ Sumner's biographer admits that "there was doubtless free talk at the Senator's house."⁴ On a lecture tour in the autumn of 1870 he spoke with great bitterness of Grant to a Chicago reporter, and a highly offensive version of his statements (which he called garbled) was telegraphed throughout the nation. In December, 1870, Boutwell told Fish at the White House that within a week Sumner had mentioned to him charges against the President so outrageous that he was unwilling to repeat them. "Sumner," he added, "forgets what he says." "Yes," rejoined Fish, "Sumner is crazy—a monomaniac—upon all matters relating to his own importance and his relations with the President." They discussed his charge that Grant had been intoxicated at their famous initial conversation upon Santo Domingo. "I was there," said Boutwell. "He was no more drunk or excited than when we left him upstairs five minutes ago—no more so than Sumner himself."⁵

Conkling, spending a Sunday evening in January with Fish, likewise expressed himself warmly upon Sumner's vituperative tongue. "I don't like to think the man a deliberate liar, but he certainly makes extraordinary statements and then denies them." Lyman Trumbull had remarked one day in the Senate: "Conkling, you annoy Sumner very much. He doesn't mind what I say to him; I call him a liar and prove it, and he is quite indifferent to that. But you argue him into a perfect fury." Fish again said that he believed—like Richard H. Dana, Jr.,

² Davis, *Mr. Fish and the Alabama Claims*, 56.

⁴ Pierce, *Sumner*, IV, 454.

³ Schouler, *op. cit.*, 168.

⁵ Diary, December 23, 1870.



Tenterden

Sir Stafford Northcote
Macdonald

De Grey

Bernard

Thornton

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and others—that Sumner was no longer wholly sane. “Upon a certain class of questions, and whenever his own importance and influence are concerned, or upon anything relating to himself or his views past or present or his ambition, he loses the power of logical reasoning, and becomes contradictory and violent. This is mental derangement.”⁶

Though during the autumn Fish and Sumner had maintained the outward forms of courtesy, their relations showed a steadily increasing tension. The Secretary felt hurt because Motley had made no reply to his letter of personal regret at the time of Grant’s abrupt demand for a resignation. The Boston *Advertiser* and a few other New England journals seized every opportunity to assail him in cutting terms. After one bitter attack by the *Advertiser* which bore an inspired look, he sent a pained letter to Sumner. Referring to his protracted efforts to protect the Minister, he wrote: “If Mr. Motley be, as I suppose him to be, a just man and a grateful one, if *he knows the truth* he would blister his tongue and tear out his heart before he would turn upon me.” Instead of a reasonable reply, Sumner poured forth a long letter of reproach.⁷ He denied that Motley had ever spoken abusively of Fish (Sumner always had a peculiar definition of abuse when uttered on his own side). He accused Fish of being a party to the removal. He controverted in offensive language a number of incidental statements that Fish had made. And he concluded in these peevish terms:

Allow me to ask you, in all candor, if during these latter weeks you have spoken to me of Motley with any friendliness? Did you not even give support to the President’s first allegation that he was not enough American? Do you not still adhere to the theory that he volunteered to write his instructions? Do you not disparage his magnificent Memoir, which while precisely coincident with the September dispatch states the American case with at least equal force? Did you not even menace a McCracken exposure, being a letter or communication last December as to private conversation, without, as in the other McCracken case, giving him an opportunity of reply? These things do not seem to me very consistent with that “generosity” which lays him under such perpetual obligation.

But why go into these details? The removal was a mistake and a wrong. So it will be considered historically—the most grievous personal wrong ever done in the Department of State, and from the character of the victim not to be forgotten. This is at least my judgment. Sincerely and unfeignedly, and with the friendship of years stirring in me, I regret your participation in it. But you may ask, “What could I do!” Let me give the remark which I hear con-

⁶ Diary, January 8, 1871.

⁷ Fish Papers.

stantly: "Mr. Fish, is a gentleman; why did he not resign?" Had you done this, there would have been no question as to your position—no question as to your sense of justice or friendship for Motley. Instead of this you vindicate the act. . . .

P. S. An elaborate article in the *Independent* of September 8th, in many respects excellent and just to Motley and regretful for the Administration, has another curious allegation, that Motley had given offence by correspondence with Mr. Sumner! Now, I have not received a line from Motley which you have not seen, and for months before his recall I had not written him one word on any political question—nor anything but a note of introduction. The newspaper allegation seems sustained by a letter just received from a distinguished Senator, giving what the President said to the Senator—that he wished the Minister to represent him. This is a new stone to hurl.

In speaking of Motley's removal as the most grievous *personal wrong* in the history of the Department of State, and destined to be so chronicled hereafter, I did not remark on its absolute eccentricity. It is unique—a paragon—a "none-such." Never before has the Department of State played the part of King Pyrrhus' elephant and trampled down its own friends—trampled down an illustrious citizen abroad—also the Senators and Representatives of a Republican State, and still more the people of this faithful State, and the sentiments of scholars and gentlemen throughout the country.

To the last, despite Motley's sullen behaviour, Fish strove to shield his proud spirit from further humiliation. For example, we find in the diary:

October 21, 1870.— . . . While speaking of the British Mission, the President proposed to recall Motley at once. I advised against doing so. It certainly is very indelicate in Motley to remain under the circumstances. A sensitive man, with high and generous instincts of self-respect, would not remain; but one who would refuse to resign a position of confidence held at the pleasure of the party who requests his resignation will do things that cannot be expected from one of high honor or of nice instincts. Nevertheless, I urge the President not to recall him until his successor reaches there. It would make a clamor, and his friends would call it persecution. As it is, he must be losing the respect of those who reflect on the subject. For the present, the President acquiesces; how long he will remain quiescent, I know not. He is apt to hold on to an idea of the kind which has once made a lodgment.

But the temperamental historian, ignorant of Fish's course, bore him nothing but ill-will. On November 10, at Grant's direction, the Secretary transmitted a formal notice of his recall. Motley immediately sat down and penned a contentious defense entitled "End of Mission," covering more than sixty pages of manuscript, which he mailed to Fish

on December 7, 1870.⁸ In it he maintained that he had done his duty faithfully and had always shown "scrupulous and minute fidelity to instructions"; he declared that after condemning Motley's first interview with Lord Clarendon, Fish had then expressed precisely the same statements in his September note; he loftily asserted that his resignation had been demanded "for no reason whatever"; and he devoted three paragraphs to the theory that Grant had dismissed him in order to obtain revenge upon Sumner. Obviously he gave this theory full credence. He ironically noted as "an historical fact" that the Senate had rejected the Santo Domingo treaty June 30, and that the request for his resignation had been dated July 1.

Motley's needlessly quarrelsome paper reached Washington at the same time that Sumner rose in the Senate, December 21, to deliver his needlessly abusive speech entitled "Naboth's Vineyard." This erudite philippic, pronounced with intense passion, was ludicrously disproportioned to its occasion.⁹ Grant had asked in his annual message for a commission to negotiate a treaty with the Dominican Government for the annexation of that country. Knowing the Senate would never consent, Morton and other Administration leaders introduced a resolution for a mere commission of inquiry. This was essentially a face-saving proposal; it might furnish valuable information, and would commit the United States to nothing. The treaty idea was dead. But Sumner prepared an invective which recalled his fiercest utterances against slavery. He charged that the resolution committed Congress to a "dance of blood," and went further by declaring that it marked "another stage in a drama of blood"—although not a drop had yet been shed. He asserted that Grant's use of the navy in Haitian waters had been a usurpation of powers, involving acts of violence and war in violation of the Constitution. He accused the President of greedy designs upon Haiti. In caustic passages he likened him to Franklin Pierce and James Buchanan, asserting that his policies recalled the Kansas-Nebraska Act and Pierce's measures in behalf of that law—recalled the Lecompton Constitution and Buchanan's efforts to force it upon

⁸ Published in Senate Exec. Doc. 11, 41st Congress, 3rd Session, p. 27 ff.

⁹ Published in Sumner's Works, XIV, 89-131. Sumner was shooting a dead raccoon. To be sure, Grant had written Baez, October 17, 1870: "My interest in extending the authority of the United States over the territory and people of San Domingo is unabated. My thorough conviction of the mutual benefits to both peoples by the union of the two nations is unchanged. On the assembling of Congress I shall make such recommendations as may then seem proper for the accomplishment of this object." Grant's Letterbooks. But the scheme was now politically impossible.

Kansas. He even urged Vice-President Colfax to counsel Grant, before it was too late, to shun all approach to the ignominious example of these men and of Andrew Johnson.

In the night-long debate which ensued the whole host of Administration Senators descended upon Sumner.¹⁰ His arrogance, intolerance, and assumption of moral superiority had made enemies on every side. Morton and Harlan kept their tempers, but Chandler and Conkling flung acrid personalities at him. The sharpest thrusts of all came from Edmunds of Vermont, who declared that Sumner had once more demonstrated "that the worst enemy he has in North America today is himself." As dawn broke on December 22, Morton's resolution was carried, 32 to 9.¹¹ All the wounds of the previous spring had been torn open again; Sumner's intemperate speech was a fresh declaration of war upon the President. Against his and Motley's attack, some defense seemed imperative.

With good reason, Fish felt outraged by Motley's final paper. It took the form of an official dispatch, although Motley had ceased to hold office, and was professedly written from the legation, though that legation was no longer in his charge. Moreover, Motley sent a copy to Sumner, who promptly began talking about it. Propriety requires that any Minister who wishes to place his views in the legation archives must ask permission, but Motley had assumed his right to do so. The Secretary might have thrown the paper into the fire, but he preferred to answer it. "Questioning the taste and denying the right of his assumption, I nevertheless allow a place in the diplomatic records of the country to Mr. Motley's history of the end of his mission." In a letter of December 30 to Moran, he demolished all the really important arguments that Motley had advanced.¹²

It is unnecessary to rehearse Fish's telling summary in detail. He showed how grossly the Minister had disobeyed his instructions in his first interview with Lord Clarendon, and explained that only kindness had then saved him from immediate dismissal. He pointed out that Motley's initial offense was, however, less serious than the second—his omission to state that he had submitted the report of his interview with Clarendon in writing to that gentleman before sending it to Fish:

¹⁰ *Congressional Globe*, 41st Cong., 3rd Sess., p. 51 ff., December 20, 21, 1870.

¹¹ Thirty Senators absent; Pierce, *Sumner*, IV, 459.

¹² Published in Senate Exec. Doc. 11, 41st Congress, 3rd Sess., 27 ff.

Had that submission been known at the date of my acknowledgment, on the 28th of June, of his statement, it cannot be doubted that a very different reply would have been made. . . .

When the President was informed that Mr. Motley had withheld this important fact until after he had obtained the acknowledgment and the reply of the Department to a dispatch which had already drawn to the utmost upon his kindness and forbearance, it may be imagined that his confidence and his respect for his Minister did not remain as they had been. From that time it was impossible that he should remain as the representative of the Government longer than the exigencies of the public service, as to the other matters specially committed to his charge, might require.

So far as Motley's conduct went, the "Moran letter" was conclusive. Unfortunately, in its rebuttal of the accusation regarding Grant's motives it broke down, for Fish attempted to defend the indefensible. Grant *had* acted, in part, to revenge himself upon Sumner; full evidence of this lay in Fish's own diary. In his loyalty to his chief, in his consciousness that the President possessed good reasons for asking Motley's resignation, Fish went beyond the facts. He declared that the suggestion that Grant "would visit upon a third party resentments caused by real or imagined indignation against another, is unworthy of Mr. Motley." Ironically comparing Motley's arguments with Sairey Gamp's in *Martin Chuzzlewit*, he explained the date of Grant's demand by referring to the death of Lord Clarendon:

To some minds *post hoc, propter hoc* is conclusive of cause and effect. . . . It were useless to attempt to refute such logic. But Mr. Motley and the world know that the hospitality and opposition of the Senator in question to the San Domingo Treaty had accomplished all that they could accomplish toward its rejection many months before he was invited to resign. The treaty was admitted to be practically dead, and was waiting only the formal action of the Senate, for weeks and months before the decease of the illustrious statesman of Great Britain. This event, which took place on the 27th of June, determined the time for inviting Mr. Motley to make place for a successor who might be entrusted with the negotiations in case a disposition should be shown on the part of the successor of Lord Clarendon to enter upon the discussion and adjustment of the "Alabama claims."

Of course Lord Clarendon had never entered Grant's head on the day he demanded Motley's dismissal. Fish must be severely censured for this paragraph, which was uncandid if, as human responses to attack go, quite explicable. Perhaps the kindest explanation is that in his just

resentment of Motley's conduct, his zeal to defend the President, he confused the motives which he himself would have felt in demanding the resignation with those which Grant actually did feel.

With this exchange, Motley now stepped from the political stage, for which he was so ill fitted, forever. The very qualities which made him eminent as a writer had disabled him for diplomacy. Imagination, poetry, the irritability of the artist, moods of intense nervous exaltation followed by intense depression, the fervent pride of a natural aristocrat—all these were assets to a historian writing in the grand manner; but they had no place in the hard, cautious business of a legation. It is pleasant to record that his pen was soon again busy in the historic house of The Hague from which the brothers De Witt had gone forth to be torn in pieces by the mob; that his good spirits and creative capacity came back with undiminished force. When he died in 1877 in England, the Duke of Bedford inscribed over his grave the words, "John Lothrop Motley, Minister of the United States, Historian of the Dutch Republic." Of the host that admire him as an historian, how few know that he was ever Minister, or care a fig whether he made a good or bad one! After all, it was not Grant, who had taken him out of diplomacy, who did him a disservice, but Sumner, who had placed him in it.

II

The section in Fish's letter to Moran which most aroused Sumner's ire was neither the scathing indictment of Motley nor the misleading defence of Grant, but what the Senator called "Fish's insult" to himself.¹³ In his letter Fish stated that the slur upon Grant's motives had originated in a source bitterly, personally, and vindictively hostile to the President.¹⁴ Pointing out that many Senators who opposed the treaty in a generous spirit had continued to enjoy Grant's undiminished friendship, and declaring that he was singularly tolerant of honest differences of opinion, he asserted that no man living "is more sensitive to a betrayal of confidence, or would look with more scorn and contempt upon one who uses the words and the assurances of friendship to cover a secret and determined purpose of hostility." This plainly referred to Sumner; we cannot dismiss the reference as dubious, as Bancroft Davis tried to

¹³ Pierce, *Sumner*, IV, 465.

¹⁴ Sumner had certainly spread the slur amain; he had written Longfellow the previous summer that he would soon "tell you of this story of—Revenge!" *Ibid.*, IV, 448.

do,¹⁵ by saying that Sumner had no right to take offense "unless the coat fitted." The Secretary had read his letter to Conkling and to Bancroft Davis, who both approved it. At the White House he had read it to the President and Vice-President; Schuyler Colfax protested against this passage, but Grant said, "I do not want a word changed."¹⁶ The charge of hypocrisy was deliberately made.

Of course Sumner was one of the most sincere men alive—even fanatically sincere—and the charge was not justified in the sense in which he took it to his bosom. In another sense, the sense that Sumner had deceived himself and had indulged in certain pretences, it had a very real measure of justification. Fish was referring to three different facts: first, to the way in which Sumner had pretended during the spring of 1870 to have an open mind upon Santo Domingo long after it was really closed; second, to his request of certain documents from the State Department without disclosing that he meant to use them against Grant; and above all, to a more recent discrepancy between his words and acts. On December 20 he had stood up in the Senate and asserted that he had never spoken of Grant save in respect and kindness; yet all Washington knew what harsh epithets he had been applying to the President. It was Sumner's way to deny that he ever uttered personalities, and then to fill his discourse with them; and he made these lofty denials in the very speech in which he accused Grant of violating the Constitution and warned him of Andrew Johnson's fate. Fish felt that for months Sumner, whether self-deceived or not, had pursued a devious course, and he characterized it in blunt terms. But while we can understand his impulse, while we can agree that a stern rebuke was needed, his most judicious friends must have wished that these sentences, like others in his letter, had been more soberly phrased.

III

Motley's "End of Mission" and Fish's reply, with their previous correspondence, were made public January 9, 1871. Fish wrote Schenck that day that the step was necessary to satisfy a public curiosity aroused by enemies of the Administration.¹⁷ "Mr. Motley's letter was heralded in advance of its receipt at this Department, and it was announced that an eminent Senator, 'which his name is Sumner,' had a

¹⁵ Davis, *Mr. Fish and the Alabama Claims*, 59.

¹⁷ Letterbooks.

¹⁶ Diary, January 2, 8, 1871.

copy. . . . The President is well. Nothing especially new. The sharp debate in the Senate a fortnight ago has done no harm; it may serve to draw lines and define positions, but open hostilities are far better than those that are secret."

The reception of Fish's reply was all that he could have wished. The press almost unanimously accepted it as clearing the Administration and discrediting Motley. Senator Howe wrote Fish¹⁸ that it was "a triumphant vindication." Thurlow Weed was delighted.¹⁹ "I had long hoped for it, and while I did not doubt that the government had acted wisely, I had not dared hope that the evidence of its wisdom would be so conclusive—so triumphant. . . . This petted and spoiled diplomatist has been 'discharged, cured.' " English journals were also impressed; Thornton had asked the Foreign Office to see that they said nothing to imperil the pending negotiations, and their editorials pleased Fish. Badeau, now consul-general in London, wrote that he had never known a more complete demolition than that of Motley.²⁰ "The exposition your letter affords of the views and policy of the Administration is eminently clear and amazes the English, who thought rather that Mr. Motley was mollifying the President's animosity! This comes in the nick of time for Schenck, and will make the English Government more than well disposed to listen to him. Several members of the Cabinet have told me so."

But from this moment it was war à l'outrance between Sumner and Fish. The Senator told Schenck, even before he read the reply to Motley, that its publication released him from all obligations of confidence in regard to Fish's communications, and that he could use one in particular in a highly damaging way. "What he refers to I cannot imagine," commented Fish.²¹ "Poor fellow! He is crazy." A little episode in January, 1871, augmented Fish's doubts upon Sumner's sanity. The Senator dictated and signed a letter to Fish. Then, deciding not to send it, he took it from its envelope and destroyed the *envelope*. His clerk found it and mailed it. "A sane man," writes Fish,²² "would have destroyed *the letter*." Boutwell agreed, according to the diary, that Sumner suffered from egotistical delusions:

¹⁸ Howe to Fish, January 10, 1871; Fish Papers.

¹⁹ Weed to Fish, January 12, 1871; Fish Papers.

²⁰ January 26, 1871; Fish Papers. For Thornton's "secret and confidential" message asking that the *Times* be restrained from comment on the Fish-Motley correspondence, see PRO, FO 5, 1214, Thornton to Granville, January 17, 1871.

²¹ Diary, January 20, 1871.

²² Diary, January 21, 1871.

Boutwell tells me that Sumner claimed to him having originated and moved the amendment to the Army Appropriation Bill, prohibiting the ordering of the General of the Army away from Washington and directing that all orders be transmitted through him, etc., etc.; said he had drawn and offered it. Boutwell told him he was mistaken and gives me the history of that amendment, viz.: That Stanton sent for him, and told him his apprehensions of the designs of Andrew Johnson to send Grant away and to make use of the Army for his purposes; that he (Boutwell) drew the amendment and took it to Thaddeus Stevens, who incorporated in the printed bill an amendment from the Committee on Appropriations, etc. . . . Roscoe Conkling once told me of a similar appropriation by Sumner of the origination of a proposition or resolution in caucus for the successive adjournments of Congress during the recess of a long vacation in Johnson's time.

On January 20, 1871, Schenck gave a dinner which included Sumner, Bancroft Davis, and Fish. Sumner's biographer states that he refused to recognize Fish. Actually he was guilty of no such affront to his host. The Secretary's diary says merely that he was "cold and distant, evidently not wishing to converse with either Davis or me."

IV

From the moment of Sumner's preposterous demand for "hemispheric withdrawal" by Britain, Fish ignored him in his arrangements for the Joint High Commission. Whenever the Secretary communicated with the Foreign Relations Committee, he wrote to Senator Cameron. More and more it seemed to him and others that Sumner's obstructive position unfitted him for the chairmanship. If he had not committed himself in advance against the forthcoming treaty, he had almost done so. It was highly unfortunate at this critical moment to have a chairman who was abusive of the President, bitterly hostile to the Secretary of State, and full of preconceptions on the English settlement.

Justin S. Morrill had already warned the Senator that he was imperilling his place. Soon after Congress met in December a movement to drop him took shape. Sumner charged in the Dominican debate that Grant was engineering it but durst not proceed—that leaders had warned him that it would be unpopular, and that Schurz's displacement would alienate the German vote. Chandler and Conkling hotly called for proofs, and denied that Grant had proposed a change.²³ But on his

²³ *Congressional Globe*, December 21, 1871.

own account, Conkling threateningly remarked that the time had come when "the Republican majority here owes it to itself to see that the Committee on Foreign Relations is reorganized, and no longer led by a Senator who has launched against the Administration an assault more bitter than has proceeded from any Democratic member of this body." Chandler took the same view. The *Herald* of December 24, 1870, reported that he was "going around calling for blood," and that the movement to remove Sumner "is more strong and determined than was at first supposed." Fish was approached, but did his utmost to discourage the movement. As yet he saw no sufficient reason for it.

After the Christmas recess the movement revived. Senators Howe, Carpenter, Nye, and Edmunds, joined hands with Chandler and Conkling. Doubtless Grant inspired this group. He must keenly have resented Sumner's vigorous opposition early in February to the confirmation of his brother-in-law M. J. Cramer as Minister to Denmark. And on receiving Sumner's hostile "hemispheric withdrawal" letter, and hearing of his other threats against a settlement—not before—Fish abruptly changed front. At the critical moment he threw his whole weight into the scale, for he feared that Sumner would wreck the treaty—if not by open opposition, at least by offering drastic amendments. There being 74 members in the Senate, 24 votes would suffice to kill or mutilate the instrument; 14 Democrats might yield to the temptation to humiliate the Administration, and Sumner and Schurz need gain only 8 other Republican Senators. To leave Sumner in a position of power seemed to the Secretary perilous, and he moved to have him dropped.

"Sumner is malicious," Fish wrote Thurlow Weed.²⁴ "He has, I am told, declared that no settlement with Great Britain, and no determination on the foreign affairs of the country, shall be made by Grant's Administration. He cannot control, and wishes to defeat. With him it is 'Sumner Omnipotent' or 'nothing to be done.' The country may suffer unless Sumner resigns. Clay and Benton were both said to be arrogant and overbearing; the two together were not as arrogant as Sumner. But he is, I think, crazy, really a monomaniac; his vanity and conceit have overturned his judgment, which never was of the best." To Elihu Washburne he unbosomed himself more fully:²⁵

²⁴ February 4, 1871; Letterbooks. For Grant's hatred of Sumner, see George Frisbie Hoar, *Autobiography*, I, 210 ff.; W. L. Stewart, *Reminiscences*.

²⁵ February 20, 1871; Letterbooks.

. . . We have made an advance in our negotiations with Great Britain, and toward the end of the week we expect the arrival of the British Commissioners to meet five appointed on our side to discuss and settle the Canadian questions and the *Alabama* question. I have strong hopes that some satisfactory conclusion will be reached. I may say (in strict confidence) that Great Britain was advised not to make her first proposal (of course the whole thing was discussed before the formal notes were passed) unless she was prepared to make "very large concessions" as to the *Alabama*, etc., beyond what she had hitherto expressed a willingness to do. She declared a willingness to "express regret" and was told emphatically that that would not be sufficient; how far she will go remains to be seen. I think she finds her own precedents are inconvenient, especially in view of possible European complications.

Sumner is bitterly vindictive and hostile; he is determined to oppose and if possible defeat everything that the President proposes or wishes or does. He is at work in advance, endeavoring to prevent any settlement of the English questions. I am convinced that he is crazy; vanity, conceit, ambition have disturbed the equilibrium of his mind; he is irrational and illogical, and raves and rants. No mad bull ever dashed more violently at a red rag than he does at anything that he thinks the President is interested in. He exhibits what I believe is a very common incident to insanity, and an equally unfailing sign of it, a constant apprehension of designs to inflict personal violence on him.

Some time since he called upon his colleague Wilson, and told him the President had threatened him with personal violence; shortly after he had the same alarm as to General Babcock. Wilson called upon the President and on Babcock, not crediting the cause of alarm, but to assure Sumner. Again, a few days since Sumner returned to his fears and told Wilson and others that Babcock was again about to assault him, and on Saturday it was given out that he was suffering from the maladies that he experienced after Brooks's assault upon him. His friends should subject him to "treatment." That, I think, is the term they use in connection with the insane. . . .

When the new Congress opened in March, Chairman Anthony of the Republican caucus appointed a committee on committees. Two members, Morrill of Vermont and Sherman of Ohio, favored keeping Sumner at the head of the Foreign Relations Committee; two, Nye of Nevada, and Pool of North Carolina, were against him. The fifth and deciding member, Howe of Wisconsin, wavered. On March 6 the question was presented to Fish, who writes: ²⁶

Before going to the office (on the way) I met Robeson, who suggested that I had better see Howe on the subject of a change in the chairmanship of the Committee on Foreign Relations. I call on the Senator. He thinks it ought to

²⁶ Diary, March 6, 1871.

be done, but as Sumner has foregone making his speech [a proposed second speech on Santo Domingo], he thinks perhaps it may be regarded as a proscription and excite some sympathy in his behalf. I reply that he could well afford to suspend the delivery of his assault on the Administration for a week or two to have the renewed confidence and approval of the Senate, and to be able to make the assault from a position of influence and of prominence. If reappointed on the Committee he will hold it for two years, and thus through the whole of Grant's Administration the chairman of the Foreign Relations Committee will be a person who has publicly assailed and vilified the President, and openly announced that he held no relations with him.

Howe proposed adding two members to the Committee, to which I objected. It would leave Sumner the official representative of the Committee, made such by the Senate.

He agrees that the change must be made.

Thenceforth Howe stood firm against Sumner,²⁷ and by a vote of three to two, the committee nominated Simon Cameron as chairman. When the issue came before the caucus on March 9th, Sumner called upon his great associates now in the grave—Douglas, Collamer, Fessenden—to testify whether during his ten years as chairman he had ever failed in any duty. He disdainfully rejected a lesser chairmanship; his friends, including Schurz, Trumbull, John Sherman, and Henry Wilson, protested in impassioned words. But by a vote of 26 to 21, including two distinguished New Englanders, Hannibal Hamlin and George F. Edmunds, the caucus was inexorable. On March 10th the Massachusetts Senator was shorn of his proudest dignity.

V

When Sumner was thus deposed Fish was busy night and day with the High Commission, now holding protracted sessions. He took little notice of the newspaper comment, most of which pronounced the deposition a political blunder. He took even less notice of Sumner's angry harangues to the Washington correspondents, reiterating that Fish had offered him "a vile and gross personal indignity," that he had "grossly misrepresented me," and that his pettiness and meanness were "absolutely despicable." For a time Sumner threatened to deliver another of his invectives against the Secretary, saying acridly: "I excuse Grant for his ignorance, but Fish is the Mephistopheles who entrapped and led him astray." Oliver P. Morton suggested that Fish write an article

²⁷ Pierce, *Sumner*, IV, 470.

for the *Atlantic* presenting the true story of Sumner's attitude toward the Administration, but the Secretary rightly opposed any prolongation of the discussion. "Sumner's failure to be reappointed chairman," he wrote Washburne,²⁸ "has been seized upon to try and raise a little tempest, but I do not think that the teapot is going to boil over in consequence; although Sumner does."

He was satisfied that the Administration had done right, and that history would approve its action. It was true that Cameron was badly equipped for the place—that his horizon was bounded by Pennsylvania. It was true that Sumner was the only Senator who possessed a really expert knowledge of foreign affairs. But to argue on this ground was quite fallacious. Under the Constitution, the conduct of foreign affairs is entrusted to the President. To the Executive—that is, the President and Secretary of State—falls all the spade-work. It is not the function of the Chairman of the Senate Committee to talk with diplomats or negotiate treaties. His duty is to discuss with the President and Secretary such treaties as are negotiated, transmit their explanations to the Senate, and guide the Committee in making reports on treaties. It is therefore of cardinal importance that he be a sound organ of communication between Executive and Senate. Good relations with the Executive are so indispensable to constructive work that E. L. Godkin thought Sumner should have voluntarily resigned when he found himself in bitter hostility to Grant. Moreover, Fish genuinely feared for the treaty if Sumner remained. Legislatively, as Bryce says, the chairman is almost a second foreign secretary, wielding great powers. By a few fiery speeches, Sumner might easily have excited public opinion again; by adroit amendments, he might have played the rôle that Lodge played with reservations in 1919. From this point of view, the displacement of Sumner was the Administration's practical answer to the "hemispheric withdrawal" letter of January 17—of which the public as yet knew nothing. It was not an unprecedented step. Stephen A. Douglas had been similarly dropped from the chairmanship of the Committee on Territories under Buchanan, and though he had better reason to feel aggrieved, had smothered his resentment. John P. Hale had once been dropped as chairman of the Naval Affairs Committee because he had needlessly and abusively assailed the Secretary of the Navy.

The episode had its deepest significance in restoring the Foreign

²⁸ March 21, 1871; Letterbooks.

Relations Committee to its proper position in our governmental system. Perley Poore was correct in writing Senator Anthony that Seward had humored Sumner in the assumption of powers never given by law to a committee of Congress. Henry Adams was correct in writing in his autobiography that Sumner had created, side by side with the State Department, a Department of Foreign Relations, over which he ruled with arrogant sceptre at the Capitol. That dangerous and extra-constitutional department was now abolished—until Lodge and Borah recreated it in 1918.

Sumner's fall was greeted with especial pleasure in England. Disraeli, who had sneered at his "rowdy rhetoric . . . addressed to irresponsible millions," wrote Northcote on March 10²⁹ to express delight over his "expulsion . . . from the seat of his ceaseless mischief and malice." We have seen that Granville felt the same way. At a later date Lord Houghton told Fish that he had betrayed and falsified every friendship, profession, and promise. Thornton wrote the Foreign Office that the action might make more enemies than friends for the treaty, and do the negotiations more harm than good.³⁰ But the event proved that it made no Senate enemies at all. Instead, it demonstrated that the Administration was now a unit behind Fish's efforts. Even if there were a small risk of continued intransigence on Sumner's part—and nobody, least of all Sumner himself, could say—all possible risks were to be avoided. Historians have disagreed as to the justifiability of the act. Charles Francis Adams, Jr., commends it; James Ford Rhodes condemns it, though with emphasis on Sumner's ill-temper and unreasonableness. But it was a natural precaution, and the best evidence of its propriety is that two and a half months later the Treaty of Washington passed the Senate without delay and with little opposition. Sumner then accepted what he could no longer prevent.

Subsequently, Fish added to the counts against Sumner the charge that he had made an inefficient chairman, and had delayed action on important treaties. Sumner's biographers have denied this charge. The fact is, as Senate records show, that when Sumner was dropped, six treaties, one protocol, and two naturalization conventions were in the

²⁹ Monypenny and Buckle, V, 139.

³⁰ For Houghton's attitude, see Fish's Diary, September 17, 1875. Thornton wrote Granville March 13, 1871, of a "general feeling" that "the step may have been expedient and even necessary." PRO, FO 5, 1215.

hands of the Foreign Relations Committee; all but one had been there for three months; and Cameron obtained favorable action upon eight within three weeks after taking his chair. Nevertheless, this accusation of negligence was both petty and needless, and Fish should never have made it. The fundamental justification of the deposition lay in Sumner's long hostility toward a reasonable settlement with England, his excitable temper, and his personal breach with the treaty-making arm of the government.

VI

Taken alone, Sumner's humiliation might have aroused little public indignation; but it occurred just after another sudden Cabinet decapitation. Jacob D. Cox's head had rolled to join those of Rockwood Hoar, Motley, Moses H. Grinnell, and David A. Wells. The circumstances of his dismissal were singularly shabby. He was hated by the spoilsmen, for he had gallantly resisted their demands in the Patent Office, Indian Bureau, and Census Bureau, and had protected his clerks against political tax-collectors. During the Congressional campaign of 1870 he published a letter sternly attacking political assessments, which angered the Republican Chairman, Zach Chandler. But the immediate causes of his undoing were his defense of the Indian Service from a new assault in the summer of 1870, and the opposition which he offered to the McGarrahan Claim, a fraudulent bit of land-grabbing.

As for the Indian Service, Cox wrote later that he had heard that a systematic effort would be made before Congress met again "to force a change in the policy we have been pursuing." As for the McGarrahan Claim, it was based upon a pretended Mexican land grant for which no documentary evidence existed, covering three leagues of California land, rich in minerals; Federal officers had repeatedly ruled against it; it had encountered adverse court decisions; but it still possessed vitality.³¹ Passing to one McGarrahan as representative of a stock company, it was now being pushed in Congress by Ben Butler. According to the press, Cox denounced the claim as a transparent fraud; Grant faced him with the astonishing assertion that although it had to do with public lands under the Interior Department, Congress (in which Ben

³¹ N. Y. *Tribune* articles, February 18-22, 1871.

Butler could of course act effectively) should be permitted to determine it; and in this rupture lay the secret of Cox's downfall.

Fish's diary shows that this cynical newspaper explanation was substantially true. On September 25, 1870, Chandler came to his house full of complaints regarding Cox's letter against political assessments. A few days later Grant returned from Long Branch, and Cabinet meetings were resumed. At the first, on October 4, Cox was absent:

Boutwell . . . mentioning an opinion published in the papers by Judge Parchal, said that the McGarrahan Claim was at the bottom of that opinion, as he heard that the Secretary of the Interior had issued a patent to the New Idria Company. The President, with much animation, and more feeling than I almost ever saw him exhibit, enquired if that were so. Boutwell replied that "he believed so—had heard so." The President instantly answered, "If it be so, I shall have a new Secretary of the Interior within an hour after knowing the fact."

He then mentioned having expressed his wish many months [ago], and having told Governor Cox at a Cabinet meeting, that he did not wish any patent issued to either party—that Congress had taken the subject in their hands, and he intended to let them decide it. That after hearing that argument had been heard before the Secretary of the Interior, he wrote him desiring that no patent should be issued, and had received while at Long Branch a letter from Governor Cox which had not pleased him. That after speaking very severely of the counsel in the case, he [Cox] concluded by saying, "that he had labored to administer his Department honestly, and to keep it free from fraud and corruption, and that if his efforts in that direction were not sustained by the President, he would desire to be relieved from his office."

The President said he was fond of Cox and appreciated his thorough integrity, and that his Department had been better administered by him than ever before, but this remark had "cut him severely." He had shown the letter to Robeson at Long Branch. While speaking of it he took a bundle of letters from his drawer, and selected this letter of Cox and read the passage which I have given above from memory. He evidently has been much disturbed.

Fish easily conjectured what had happened. Grant had fallen under the influence of designing men who wished to capture the mineral lands and who had persuaded him that the Executive should keep his hands off; Cox was anxious to put a decisive end to the ill-founded claim. While various men had prejudiced Grant against Cox, the latter had acted tactlessly. Fish was prepared for the inevitable result, but too discreet to trust much information to his diary:

October 5, 1870.—Robeson, at my house this evening, says that Cox has resigned the Interior and that Delano is to be his successor. General Porter is Robeson's informant.

October 12, 1870.—Cox and Robeson dine with me. After dinner Cox explains the circumstances of his resignation, etc.

Cox's letter of resignation to Grant contained a sarcastic sentence: "The removal of the Indian Service from the sphere of ordinary political patronage has been peculiarly distasteful to many influential gentlemen in both houses; and in order to enable you to carry out your purposes successfully, I am satisfied that you ought not to be embarrassed by any other causes of irritation in the same department."³²

His place was taken by a dry, baldish, clerical-looking man, with a sly, contriving air—Columbus Delano, oldtime Ohio criminal lawyer, who had gotten into Congress and had then become head in 1869, of that tainted department, the Bureau of Internal Revenue. His appointment marked a sad step in the deliquescence of the Administration, and Fish mourned it.

A few months later Grant wrote the new Secretary of the Interior, who was all pliability, on an application from McGarrahan's attorney for restoring to his client the record of his claim as it was, and for issuing a patent of title. The attorney had brought this application to the President himself! "Please examine the case at your leisure," wrote Grant,³³ "and give me your judgment as to the course that should be pursued, or whether as heretofore decided upon, the whole matter should be left with Congress, where the Administration found it." McGarrahan thus entrenched himself, and the controversy dragged on.

The elections of November, 1870, were disastrous to the Administration. The Democrats swept New York. Factional troubles there between Fenton and the imperious Conkling, who believed that the people liked a statesman with a "gamey flavor," had cost the party dear. Conkling, after inducing Grant to place Tom Murphy—a very gamey

³² Cox wrote Garfield on October 24, 1874, that the pack had long been after him. During his vacation Chandler came to his department boasting that he was to be ousted, and the President, without consulting him, had peremptorily revoked his order in regard to clerical absences, "besides doing some other things which looked like giving way." He resolved to endure such contumely no longer. Garfield Papers. The combination of Chandler and Ben Butler, one interested in spoils and the other in the McGarrahan lands, was too much for him.

³³ May 31, 1871; Grant's Letterbooks.

man indeed—in charge of the Custom House, had seen to it that Murphy got rid of Fentonites and appointed Conkling men instead. The Democrats carried Indiana; in alliance with the Liberal Republicans, they elected B. Gratz Brown governor of Missouri; and they showed increased strength in other States. For the first time since 1864, the Republicans lost their two-thirds control of the House of Representatives. The political skies were darkening fast.

Against this gloomy background the breach between Grant and Sumner took deeper meaning. It was now as fierce as any other intra-party quarrel in our history; as that between Adams and Hamilton, between Jackson and Calhoun, between Roosevelt and Taft, between Smith and Franklin D. Roosevelt. Late in 1871 Grant told Fish that he had just received a visit from Morrill of Maine and Senator Harry Wilson, who wished a reconciliation between him and Sumner. "I told them," he said passionately, "that whenever Sumner should retract and apologize for the slanders he had uttered against me, in the Senate, in his own house, in street-cars and other public conveyances, at dinners and other public entertainments and elsewhere, as publicly, openly, and in the same manner in which he has uttered these slanders, I will listen to proposals for a reconciliation. Even then, I said that I would have no confidence in the man, or any faith that he would not repeat the performance." The Senators bowed to this outburst. "Morrill told me," Grant concluded, "that I was quite right in requiring such retraction and apology." For his part Sumner, as his letters to Gerrit Smith show, was denouncing Grant as a stupid and brutal autocrat, "without moral sense, without ideas, without knowledge"—"the lowest President, whether intellectually or morally, we have ever had."

In itself, Sumner's defection would have meant little. The American people knew his querulous ways; they knew how vehemently he had quarrelled with Lincoln, with Johnson, with every other President. But after all, he and Motley represented an intellectual, cultivated, and idealistic element in the sordid politics of the day; while their case gained strength as seeming to stand with that of such preëminently able and honest men as Hoar, Wells, and Cox. Many knew how close Fish himself had come to resigning. Grant seemed driving the fittest men from his side. In private correspondence Garfield was scoring "the surrender on the part of the President to the political vermin which infest the government." And all the while the reactionary policy of the

President in the South disgusted increasing numbers of Americans. "Let us have peace," he had said; and instead the nation read of continued bayonet rule, race riots, outrages, and a dictatorial Ku Klux Act that passed Congress early in 1871 with stern Presidential pressure behind it.

The outlook for Republican unity was dark, and the Administration sorely needed whatever popular prestige it could obtain. Happily, Fish was about to give the Grant régime its first great victory, and the proudest of all its achievements.

THE Joint High Commission set to work at the State Department on Monday, February 27, 1871.¹ The library had been cleared for the sessions; a large table was brought in; and Fish and de Grey faced each other at its two extremities, with the remaining commissioners disposed along the sides. From the start the atmosphere was business-like. De Grey courteously proposed that Fish preside, but the Secretary remarked that no chairman was needed. The two secretaries, Bancroft Davis and Lord Tenterden, were deputed to act as "protocolists" and keep a brief daily record of proceedings. Replying to Fish's questions, de Grey announced that his Commission—which he pointed out was not a British but an Imperial body, Canada being represented by Prime Minister Macdonald—was fully empowered to sign a treaty. Thereafter, beginning the next Saturday, the Joint Commission met almost daily.

Not all the omens were hopeful, for much suspicion lingered in both nations. Many Britons still credited Grant with an ingrained hostility toward their country. They were irritated when he received at the White House the fiery O'Donovan Rossa and other Irish Fenians who, recently liberated by the British Government, reached New York in January.² They knew of his close relations with Ben Butler, who had just said that a rupture with England would be the best means of reinvigorating the Republican Party for 1872. The London *Times*, an independent journal which had been a Palmerstonian organ and was now becoming hostile to Gladstone and Granville, hoped for the best but rather loudly feared the worst. It inclined to the view that the High Commission would lead to the ultimate worsting of England, for Grant's fear of the Irish and German vote would not permit a fair settlement. The Tory organ, the *Standard*, voiced still louder misgivings; and Disraeli seized upon the departure of the Commissioners for a speech proclaiming that it must be clearly understood "that England cannot be insulted or injured with impunity."

¹ Diary, February 27, 1871; Protocols. A full set of these Protocols is in the Fish Papers.

² London *Times*, April 20, 1871. Note that Thornton wrote to Granville, February 27, 1871 (PRO, FO 115, 524) that in receiving the High Commissioners Grant "was most cordial and friendly in his manner to Lord de Grey, and conversed with him for nearly an hour."

In the United States most journals greeted the British envoys with great cordiality. The *Tribune* declared that the American demands "will be pressed in a spirit that may make it easy to yield to them." The *Herald* predicted that the word Alabama would now revert to its aboriginal meaning, "Here we rest." *Harper's Weekly* thought that the Joint Commission offered a "simple and satisfactory" road to peace; the *Nation* called it "a triumph of civilization"; the *World*, relying upon "the firmness, moderation, patriotism, and sound judgment of Mr. Fish," hoped to see the question out of the way before the Presidential election. But there were dissenting voices. New England remained resentful toward Great Britain, and the Springfield *Republican* expressed morose apprehensions of a new rupture. The Irish bristled, the Germans grumbled. Dana of the *Sun* polished new epithets.

Fish himself confessed certain qualms. He felt deeply disappointed when Sir John Rose refused Gladstone's offer of the Canadian seat on the Commission, which fortunately went instead to Macdonald. Rose had excellent reasons; married to a Southern woman, a business partner of Levi P. Morton, possessing a host of American friends, he would have been open to Tory charges of bias. But his abstention, wrote Fish, "takes away much of my confidence in the future." Nor did Fish relish the appointment of Mountague Bernard to the Commission, or Lord Tenterden's position as secretary. These were unhappy choices, he told Thornton.³ "Bernard wrote a very bad book about the Alabama Claims, and Lord Tenterden was the author of the once-famous *Notes* on them." Thornton reassured him. "Ah, that will make no difference; Lord Tenterden is only secretary, and as for Bernard, we shall persuade him." Actually Bernard's *Neutrality of Great Britain during the American Civil War*, published in 1870, contained much good law and calm reason, while Tenterden had been one of the warmest English advocates of a settlement. As for the selection of the Canadian Prime Minister, it was a master-stroke to win acceptance of the Treaty in the Dominion.

While still suspicious, Fish wrote Sickles of his doubts concerning the Joint Commission.⁴ "What may come of it remains to be seen; they promise fair, but we are dealing with 'perfidious Albion.' Old Father Ritchie used to say, 'nous verrons,' which according to his Latin meant,

³ Diary, February 9, 1871.

⁴ February 14, 1871; Letterbooks. Gladstone had written that he wanted men "strong and sharp enough for Jonathan." Knaplund, *Gladstone and Imperial Policy*, 124.

'The best trump will take the trick.' A fair and liberal settlement is more to their interest just now than to ours. I have thought therefore that we should accept their proposal and try them."

But the atmosphere surrounding the Joint Commission rapidly improved. In England Fish's reply to Motley—the "Moran letter"—had a favorable effect, for it showed that he had labored against Sumner's opposition to effect a just settlement. As Smalley, London correspondent of the *Tribune*, informed the Secretary: ⁵ "Motley . . . had been regarded as the friend of England, the one American par excellence who was really in favour of peace, and that if he was resolute or harsh, or at all pressing and unkindly and imperative, he was goaded on by the bloodthirsty President behind him. When your letter demonstrated the contrary, that the President meant peace and courtesy, and fair, kindly dealing, and that Motley really acted against your wishes, the effect was instant." The United States suffered for lack of a Minister to influence London society. But John Russell Young, abroad on a mission for the Treasury, did effective work, and a letter of his in the *Times* evoked a friendly leading editorial.⁶ The *Spectator* stood up manfully for the United States, while an article by Lord Salisbury in the *Quarterly Review* on the lessons of the Franco-Prussian War emphasized the isolated position of Great Britain.

In the United States the tact of the envoys accomplished much. "The British Commissioners have made a very favorable impression with all our people, officially and socially," Fish shortly testified.⁷ They were a distinguished group. De Grey, who united two earldoms—he took the name of the second, Ripon, this year—had entered Parliament in 1853 as a radical, influenced by Charles Kingsley and Thomas Hughes. He still clung to progressive views; service as Secretary of War, Secretary for India, and Lord President of the Council had merely moderated his temper without lessening his liberalism. Short, heavy, pouter-breasted, with high forehead and flowing beard, immaculately dressed in frock coat, pearl waistcoat, and silk hat, using a monocle, he precisely suited the American idea of a nobleman. Mentally he was much like Fish. He was not brilliant or showy; he hated the limelight; he was neither a ready speaker nor a good writer. But he was industrious, painstaking,

⁵ John Russell Young to Fish, March 7, 1871, quoting Smalley; Fish Papers.

⁶ April 20, 21, 1871.

⁷ Fish to Moran, April 17, 1871; Letterbooks.

honest, and shrewd; he was mild, genial, and a friend of compromise. Sir Stafford Northcote, tall, full-bearded, quicker of mind and movement than his chief, was the son of a baronet, an Oxford man, with twenty years of varied public service, beginning as Gladstone's secretary and culminating with the India Office, behind him. Though a Conservative, he was interested in civil service and other reforms; he had made his mark as a financial expert; and he knew something of Canada—he had been governor of the Hudson's Bay Company. Mountague Bernard had occupied since 1859 the first chair of international law established at Oxford. He was a man of tact, laborious, impartial, and conscientious; a little over-finical, but with much common sense. Lord Tenterden, connected with the Foreign Office since 1854, and holder of an important place in London society, was witty and affable.⁸

Fish soon admitted that his apprehensions regarding Tenterden and Bernard were groundless. He had feared that they would play a pushing, aggressive rôle and take up contentious positions; instead, they showed perfect subordination to de Grey and scrupulous courtesy to the Americans. In discussion, the British delegation proved both frank and conciliatory. "We are on the best of terms with our colleagues," wrote Northcote,⁹ "who are on their mettle and evidently anxious to do the work in a gentlemanly way and go straight to the point." Privately the Britons enlivened Washington society. De Grey took a house for his delegation and entertained lavishly. A round of dinners and balls was given in return. President Grant, as Thornton wrote home, showed a cordial liking for the earl. American Masonic leaders, knowing Tenterden's high rank in the English order, tendered a glittering reception to the Englishmen. A spring fox-hunt was even arranged in Virginia. At times it seemed that the treaty, like Lord Elgin's, would float through on a sea of champagne. One of Fish's dinners to the Commissioners gave him long-remembered chagrin when a newspaper reporter bribed a hired waiter to conceal him under the table, where he took notes on the conversation!¹⁰

⁸ There is no life of Lord Tenterden; but see *Dictionary of National Biography*. On Northcote see Andrew Lang, *Sir Stafford Northcote, First Earl of Iddesleigh*, Chs. 4–11. Lucien Wolf's *Lord Ripon*, I, 240–271, is invaluable for the work of Treaty-making.

⁹ The unpublished correspondence between the British High Commission and the Foreign Office is contained in nine volumes, "Conference at Washington," PRO, FO 5, 1296–1304.

¹⁰ Mrs. Richard Aldrich, who had this story from friends of Mr. Fish, to author, November 18, 1935.

I

Usually the Joint Commission met at noon and sat until three, four, or even later. From time to time one or both sides retired for separate consultations, while each held frequent morning sessions to decide upon its course. Though the deliberations sometimes had to wait for replies to the long cablegrams which the British Commissioners sent to London, most of the delays were brief. On the American side Fish of course kept in constant communication with Grant; he would call at the White House, or the President, cigar in hand, would stroll across Lafayette Square to see him. But the Cabinet gave little attention to the negotiations. Not until the Joint Commission had labored almost a month did Fish make a statement covering the principal points at issue, and then the members offered little comment. Nor for the first month did he consult any Senators.¹¹ Only when definite results were being attained did he discuss certain questions with the Administration group, Conkling, Morton, Chandler, Cameron, and Edmunds.

The most vital part of the work was done by Fish and de Grey outside the meetings of the High Commission. Considering the complexity of the issues and the heat which they had recently aroused, the negotiation proceeded with remarkable smoothness. In two months, roughly-speaking, with a total of thirty-seven sittings, the complicated task was finished. This rapidity was due in part to long hours of labor, but above all to the confidential coöperation of the two chiefs. Fish's diary shows that they met privately and informally almost as often as in the High Commission. De Grey was always ringing Fish's doorbell; Fish was always drawing de Grey into his own room at the State Department. They made proposals "off the record," told each other what their Commissions could or could not accept, compromised on difficult points. Where eight men and two secretaries would debate for hours and come to a deadlock, these two moderate leaders sometimes found a way out in a few minutes. Fish was the freer agent, for Grant now trusted him in almost everything, while de Grey was sorely hampered by his home government. Northcote wrote of his chief: ¹²

¹¹ Throughout his career as Secretary he frequently and cordially saw two Democrats, Senators Bayard and Thurman; to the former he was distantly related.

¹² *Life, Letters, and Diaries*, II, 13.



THE AMERICAN HIGH COMMISSIONERS

Schenck

Hoar

Fish

Williams

Nelson

Bancroft Davis

The U. S. Commissioners give him some trouble;
 He don't blame them for *that*—it's their duty, you know;
 And his Cabinet colleagues, they give almost double,—
They do it from love, and he likes it—so, so!

The two questions of cardinal importance were of course the *Alabama* Claims and the inshore fishery rights in Canadian waters. All the others—the San Juan boundary, coasting trade, transit of bonded goods across the Canadian boundary, St. Lawrence navigation, Fenian claims—were subordinate. At the outset the Commission determined to deal with each subject in the order in which it had been mentioned in the previous correspondence between Fish and Thornton; to pursue it until it had been settled or until some difficulty made further instructions necessary; and then turn to another, and so on until all were determined. This brought up the fisheries question—which the Canadian Government regarded as by all odds the most important, the real cause and crux of the negotiation—first. The very day after this decision, March 5, de Grey paid his first informal call. He broke the Sabbath afternoon by appearing at Fish's door, and before a fire in the study the two made a private arrangement. "I tell him," wrote Fish in his diary,¹³ "that it seems unnecessary to discuss abstract questions or the irritation that has arisen. The point in question is the exclusion of American fishermen from the inshore fisheries. We wish to obtain this right and of course must make some compensation for it. I ask whether we had not better direct the inquiry and discussion tomorrow directly to this point, to which he assents." Next day the matter was taken up in regular session. Fish's diary states:¹⁴

Lord de Grey remarks that he understands that we want to obtain the right of the inshore fisheries: of course we must be prepared to give something for the right; we enjoyed it under the Reciprocity Treaty, and gave therefor the right of free trade in certain enumerated articles; they want to have the reciprocal free trade restored, and have looked to that as an equivalent.

The American Commissioners urge the difficulty of obtaining any legislation to that extent; that the people are opposed to this reciprocity of trade and are especially opposed to regulating tariff and custom regulations by treaty. That possibly some one or two articles that are especially connected with the Fisheries, etc., might be provided for exemption from duty, but any long list, would excite a general debate on the tariff and prevent any arrangement.

¹³ March 5, 1871.

¹⁴ March 6, 1871.

Retiring for consultation, the American Commissioners agree to propose the free entry of "fish, salt, coal, and fire wood," and to remark that many of the articles included in the Reciprocity Treaty now are either "free," or admitted at reduced duties. Should this proposal be rejected, the American Commissioners are to suggest the payment of a gross sum of money for the enjoyment in perpetuity of the right of inshore fishing. Returning to the conference room, the first proposal is made, and the British Commissioners reply that it is not sufficient, and cannot be entertained; the second proposition is made, (a money consideration) which is entertained "ad referendum," the British Commissioners declaring that it was not contemplated, or included in their instructions, and that they must consult their Government, which they will do by telegraph.

They are asked what other articles they more especially desire to have included in the free list. Sir John Macdonald replies, cereals of all kinds, and root crops, animals, lumber, products of the mines, copper ore, etc., etc.

It is suggested that possibly the basis of the equivalent for the inshore fisheries may be mixed; partly money and partly trade facilities.

Sir John Macdonald urges the admission of the British to the coasting trade, which I tell him at once cannot be entertained; he says the great bulk of shipping on the lakes is American, and a reciprocal admission to the coasting trade would give the Americans great advantages on the lakes.

The estimated value of the fisheries (inshore) is talked of. Adjourned unto Wednesday at noon.

For long weeks the wrangle over the fisheries question continued. The Canadian Cabinet at first refused to consider a sale of the fishing-rights for even a short term,¹⁵ instructing Macdonald that this would be "equal to parting with a portion of the territory of the Dominion." But it soon manifested a certain readiness to compromise. On March 22 Sir Charles Tupper instructed Macdonald that the Government might agree to sell the fishery-rights for \$500,000 a year, fish, coal, lumber, and salt to be admitted to the United States duty free. Fish had meanwhile offered \$1,000,000 for the rights in perpetuity! Macdonald was outraged by this; he had figures to show that the American catch had been worth \$6,000,000 a year, and told Judge Hoar that the terms would mean "giving up our Alsace and Lorraine" for a trifle. De Grey also thought the sum utterly inadequate. But as the Canadians tried to insist on coasting privileges and large tariff concessions, the British members grew impatient. In the end the fisheries question outlasted

¹⁵ The Macdonald Papers in the Canadian Archives contain the "Treaty of Washington Correspondence" in six volumes. A good account of Canada's attitude is to be found in Goldwin Smith, *The Treaty of Washington*, MS, Ch. 4. See also Joseph Pope, *Correspondence of Sir John A. Macdonald*, and *Memoirs of Sir John A. Macdonald*.

all others; the sessions devoted to Canadian questions were 17, to the claims against England 10, and to the San Juan boundary 4. During April the willingness of Lord de Grey to make concessions generated angry feeling between Macdonald and the Englishmen. "They seem to have only one idea in their minds, to go home to England with a Treaty in their pockets, settling everything, no matter at what cost to Canada"—so Macdonald wrote.

Other entries in Fish's diary show how the negotiations progressed:

April 12, 1871.—I tell him [Lord de Grey] that I am rather glad that they are not willing to accept our proposals for the settlement of the fisheries, as I find the universal impression that we have proposed to give too much, and that the concessions offered would probably jeopardize the ratification of any treaty. He asks if we would substitute a moneyed equivalent, and is told that although our proposal in that direction had been refused, we might not object yet, to entertain such a proposal from them, but that our estimates (on the two sides) of the values of the right to the inshore fisheries were so different that I thought it would be quite useless to discuss it, and moreover that it would be impossible now to obtain an appropriation; it might have been done, when in the early days of the Commission it was proposed; now Congress was about to adjourn, and had determined to confine its legislation to two or three subjects; no appropriation could be obtained before next winter, and it would be very difficult then, in a Congress preceding a Presidential election to get such an appropriation through.

As a sudden thought to which I was not willing to commit myself, and had no right to commit anyone else, I asked how it would strike him to refer to arbitration the valuation of the right to the inshore fisheries; that if it struck him favorably he might see how it appeared to his associates; he said that it was "an idea worth considering."

In reply to a further question whether I could not suggest any mode of settling all the Canadian questions, I express inability, but say that if the *Alabama*, the fisheries, and the navigation of the St. Lawrence, could be settled upon terms somewhat reasonable, I would individually be disposed to consider the question of arbitration on the San Juan; but that Canada was so exacting, Great Britain sustained her in her high demands, so that I thought there was no inducement to consider the possibility of submitting San Juan to arbitration. He wished me to consider it further, and to see if some arrangement may not be made on that basis.

April 13, 1871.—Called upon the President. . . . I ask his opinion as to the purchase of the right of the inshore fisheries, at a price to be named by arbitrators without any trade privileges; he thinks favorably of it, provided the St. Lawrence navigation be settled satisfactorily, and as a last resort will consent to arbitration of San Juan in a separate treaty. I tell him the English Commissioners have insisted that all the questions be united in one treaty;

he then advises me to consult with my associate Commissioners, and with some leading Senators. He had given up his California trip for this spring: hopes to go in August or September; assigns as a reason for not going now, in addition to the uncertainty of having the British negotiation disposed of, that the absence of himself and cabinet, and of the General of the army, immediately after the enactment of the "Ku-Klux" Bill, would not be proper.

I call upon Senator Chandler; show him the British expression of regret for the Alabama, which he says is all that could be asked. He approves the purchase of the right of inshore fisheries at a price to be determined by arbitrators, and will consent to arbitration of San Juan if nothing better can be had; but suggests that Bancroft's letter and "protest" (as he calls it) should form part of the submission. He promises any aid he can render to help through the House and Senate any legislation that may be required.

April 19, 1871.—Lord de Grey says that they have not yet received an official answer from the Government on the subject of the fisheries, but tells me confidentially that he has received a private despatch by cable, stating that the British Cabinet would accept the plan of settlement proposed by the American Commissioners, of free fish and a moneyed payment, to be determined by arbitration, as the equivalent for the "inshore fisheries." He says that he does not wish this communicated to his own colleagues, until he receives the official reply; but mentions to me that we may be justified in proceeding to the discussion of the remaining questions, and asks if, under the circumstances, we will consider the San Juan this morning, to which I assent. This conversation took place at his house.

April 21, 1871.—Earl de Grey calls about 4 P. M.; had received the assent of his government to the negotiation of the fisheries question on the basis last proposed, viz: valuation of privileges of "free fish" into the United States and of the inshore fisheries; also of reference of the San Juan arbitration to either the Emperor of Germany or of Brazil, and of the submission of the question between the Haro and the Rosario Channels, without intermediate or any companion channel.

He says they have trouble with the Canadian questions, and fears the question of the Canals may make difficulty; wishes us to be "as easy as we can" in the language, etc., of the "fisheries" articles. Thinks we may be able to conclude all questions tomorrow, so that nothing but the phraseology will remain to be settled, and that if either of the American Commissioners wish to go home for a few days, he thinks they may be able to do so.

Not until the end of April did Macdonald resentfully give way. He had threatened on April 21 to resign from the Commission; he still threatened to refuse to sign the treaty. It took immense pressure, including a masterly letter of argument, suggestion, and reprimand from Northcote, to bring him around.¹⁶ [The final agreement was that for

¹⁶ April 15, 1871; in Macdonald Papers, "Treaty of Washington Correspondence," I, 422 ff.

ten years American fishermen should hold the right to inshore fishing along the eastern coast of the Dominion, including Prince Edward Island; that Canadian fishermen should have equal rights during that period on the American coast; that each country should ship fish and fish-oil free of duty to the other; and that since the Americans received the greater advantages, an international commission should determine what sum ought to be paid by the United States as additional compensation.¹⁷ Gladstone had succeeded in his desire to "sweeten" the *Alabama* question for the United States by bringing in Canada.

Yet this final agreement on the fisheries was fair. It caused intense though shortlived discontent in the Dominion, where Macdonald was assailed for giving them away for nothing; but this rested upon a misapprehension. The Canadians had exaggerated their trading-value. Protection was now too firmly rooted in the United States to permit the exchange of a reciprocity agreement for the fishing rights. Had Fish been free to act alone, he would gladly have arranged reciprocity, but he had to think of Congress at every step. Even when he made the modest suggestion of a free entry of coal, salt, and firewood he heard grumblings in Washington, and when Macdonald proposed a longer list, vehement protests reached the Secretary.¹⁸ Zach Chandler, representing Michigan's interests, said that he would fight to the last ditch any treaty which permitted the free entry of Canadian salt and lumber. The British Commissioners sympathized with Fish's unwillingness to risk Senate votes. Moreover, reference of the question of compensation to three men, one American, one Imperial, and one neutral, sufficiently protected Canada. It protected her so well, in fact, that Congress later rebelled against the Halifax Award to the Dominion, and refused to accept it as the basis of a permanent fisheries settlement. The Canadian fisheries were still an infant industry. What they needed above everything else for their growth was the free American market. As Sir Stafford Northcote wrote Macdonald, the Dominion might have found it wise to trade the inshore rights for this market "even if you got nothing to boot."¹⁹

Other Canadian questions were fairly compromised. It would have been absurd for the two countries to growl, like mastiffs with a bone, over their great common system of waterways. The St. Lawrence was thrown open in perpetuity to the Americans, while the same principle

¹⁷ For the Canadian position, see Appendix II.

¹⁸ Diary, April 8, 1871.

was applied in Canada's favor to rivers which flowed through Alaska to the sea. Various small border issues were equitably arranged. When the claims for Fenian damages were dropped by the British Commissioners on the ground that they had not been included in the agenda, and were merely constructive and inferential, many Canadians expressed indignation. But de Grey had told Macdonald on April 16, on the strength of private assurances from Granville, that Great Britain would indemnify Canada if the United States refused to do so. Gladstone justly believed that England, through her indefensible Irish policy, was primarily responsible for these raids. In the end, the Treaty clauses on Canadian questions were not unsatisfactory to the Dominion interests concerned or to far-sighted Dominion leaders. Macdonald was gratified to find that the people of the Maritime Provinces, at first uneasy, soon manifested anxiety for the adoption of the treaty. They saw that the removal of the American tariff on fish was all-important—it would offer a real market for their highest-priced catch. Moreover, many Canadians perceived that the primary need of their new state was a period of tranquillity and harmony, during which its resources might be developed and its national spirit strengthened. The political storm which the Ministry had feared died away after a few months of mild rumbling by Liberal newspapers and agricultural interests.

The final Canadian question of importance, the San Juan boundary, was left to William I of the newly-united German Empire for a decision.¹⁹ Though the disputed islands were neither large nor valuable, the question had excited so much feeling on the Pacific coast that Fish moved carefully. Some Americans asserted, to the astonishment of the English, that the ambiguous clauses in the Treaty of 1846 on the boundary had been a trick, and that the Hudson's Bay Company had then prodded the British Government into an unfair stand. Actually, the negotiators under Aberdeen and Polk in 1846 had used ambiguous language simply because they were ignorant of Western geography. Settlers in Washington Territory also feared that England would fortify San Juan Island against the Americans. For some weeks Fish opposed anything less than an outright cession. In this connection he made his last bid for Canadian territory. At least twice he urged de Grey to agree to a new boundary, ceding all or part of British Columbia, for which the United States would pay an equivalent in money or otherwise.²⁰

¹⁹ See Articles XXXIV–XLII, Treaty of Washington. ²⁰ Diary, March 16, 18, 1871.

As de Grey could not discuss shutting Canada off from the Pacific, Fish reluctantly consented to arbitration.⁷

II

But to the world in general the *Alabama* Claims were the paramount object of interest. They were first taken up on Wednesday, March 8. The previous day the American group had discussed the presentation of their case at length, and Fish had drawn up a careful statement. At noon on the 8th he read it to the High Commission.²¹

In this document he said nothing about the Queen's proclamation of neutrality, but confined himself to the damage wrought by the cruisers. After describing the injury they had done, he declared that Great Britain, failing to observe her duties as a neutral, had become liable for them "upon principles of International Law which we shall submit." He went on to say that the claims for property destruction thus far presented reached about \$14,000,000, without interest, and that more would doubtless be offered; that the cost of destroying the cruisers was easily ascertainable; and that indirect claims also existed for the transfer of much of the American merchant marine to the British flag, costs of insurance, and "the addition of large sums to the cost of the suppression of the rebellion." Finally, after asking for an expression of regret by the British Government, he spoke of modes of settling the claims. The easiest and most practical, he said, would be for the British to empower the Joint High Commission to fix a sum for their nation to pay; a sum covering all claims, including the costs of pursuit, with interest.

Was this sum to cover the national or war-prolongation claims? In the course of his paper, Fish made an interesting statement upon this. He declared that "in the hope of an amicable settlement, we present no estimate of the indirect losses, but without prejudice to the right to indemnification on their account. . . ."

The British Commissioners of course denied that their government had failed to discharge its duties under international law or was liable for the losses from the cruisers. This reply was no hollow form. Englishmen were still almost unanimous in holding that their country had never violated international law. They would admit only that, through

²¹ Protocols; Diary.

governmental negligence, their own neutrality statutes had not been enforced with proper strictness; and for this, as Rose had indicated, they were ready to express regret. The Commissioners asserted that while England had always disavowed responsibility for the cruisers, she was willing to submit the question of liability and damages to arbitration.

Arbitration was of course the golden portal through which the two nations were intended to pass to an amicable future. But a curious diplomatic colloquy ensued. The American Commissioners, obviously prepared, said in effect that arbitration might be acceptable if the principles of neutrality to govern the tribunal in weighing the facts could first be agreed upon. The British, equally prepared, replied that they had no authority to consent to this, but were willing to discuss what principles of neutrality should be adopted for observance *in the future*. Fish rejoined that his group would gladly consider future principles, with the understanding that when agreed upon they "should be held to be applicable to the facts in respect to the *Alabama* Claims." And de Grey answered that he would consult his government upon this.

Fish's statement indicated that the United States was at last reducing its contentions to a fairly realistic level. No statements about our alleged grievance in the Queen's proclamation; no hints about Canada; an implication in the sentence quoted above that the huge claims for prolongation of the war *might* eventually be given up—all this was hopeful. The vague sentimental trappings which had been added to our hard legal grievances were being shorn away.

III

But at one point the United States still obviously asked a good deal. For consenting to arbitration, Fish and his colleagues demanded that the High Commission define the duties of neutrals with respect to the outfitting of belligerent ships, and require the arbitrators to apply these principles to the *Alabama* Claims. New rules were to be drawn up and virtually made retroactive. Fish had talked with Thornton the previous autumn about a special convention upon maritime neutrality, and had shown him a rough minute "made hastily one evening, written in pencil"; he had thought upon the subject since. Now he and his colleagues, after prolonged discussion on March 7, 1871, drafted four rules of

neutrality, and next day presented them to de Grey.²²

The first rule asserted that any great maritime Power was bound to use active diligence in order to prevent the construction, fitting out, equipping, or augmentation in force, of any vessel to be employed against a Power with which it was at peace. The second rule stipulated that if such a vessel escaped, the Power was bound to use like diligence to arrest and detain her if she again came within its jurisdiction. Under the third rule, the delinquent Power was also bound to instruct its naval forces to arrest such a vessel wherever found upon the high seas. Finally, according to the fourth rule, any Power failing to observe this code was to be held responsible for the damage wrought by the escaped vessel.

The significance of these rules is indicated by Fish's statement in his diary that they were presented as "the foundation of the American claims called the *Alabama* Claims." In form, the United States was yielding to England by permitting the arbitration of the question of British liability. In actuality, it was stipulating that the arbitration should be based upon principles which bound the judges to accept in advance a great part of the American case. Fish was reaching by a circuitous path the very settlement he had originally proposed, under which the liability of the British Government was assumed, and only the amount of damages was arbitrated.

Technically, the essence of the dispute had always been the question, What were the recognized principles of international law in 1861? Now the United States was insisting that the arbitrators be told that the principles were precisely what America had understood them to be, and what Great Britain had denied them to be! Naturally London would regard this as unreasonable. But it was evident that Great Britain would have to make some concessions. For several days the High Commission debated the subject. Fish consented to minor modifications in the four rules. Then, seeing that they could gain no more, de Grey and his colleagues on March 14 cabled the Gladstone Ministry recommending that it accept them as instructions to the Tribunal.

This telegram resulted in two stormy sessions of the British Cabinet. The pill was hard to swallow. Granville, who was eager for an agreement, wrote de Grey that there was "a tremendous row." He, William E. Forster, Lord Kimberley (the Colonial Secretary), and four other

²² Diary; see also Bancroft Davis, *Mr. Fish and the Alabama Claims*, 74, 149-154.

members stood staunchly by the recommendation. The Duke of Argyll criticized it, but was for conciliation. A minority of three raged violently against it, even using the word "dishonour." Gladstone himself agreed with the recommendation, though reluctantly.²³

But the Cabinet, while finally assenting, did not accept a flat agreement that the rules should be admitted to have been in force in 1861. Instead, it sent word that Great Britain would accept them as binding for the future; and that it would also agree "that in deciding the questions between the two countries arising out of those claims, the arbitrators should assume that Her Majesty's Government had undertaken to act upon the principles set forth in these rules." This was a distinction without much difference. It was of course perfectly acceptable to the Americans. On March 18 de Grey came to Fish and made a final effort to obtain a *quid pro quo* for the British agreement to the four rules.²⁴ He said that while he did not know that they would be rejected in Westminster, he did feel sure that they would be swallowed at once "if we would agree either to arbitrate the San Juan boundary or to accept an intermediate channel." Fish of course refused to listen to this effort to connect two diverse questions. The process by which the British finally came around to an almost complete surrender on the four rules is amusingly depicted in Fish's diary:

Friday, March 24, 1871.—Joint High Commission was to have met at two P. M.; at that hour Lord de Grey calls, and says they are not prepared to proceed today with the other Canadian matters. He handed me the British modification of the propositions of public law for submission with the *Alabama* question, and hoped that we would make as few alterations as possible. He now refers to it, and hopes we may give him an answer this afternoon to be telegraphed to London for consideration by the Cabinet tomorrow. The American Commissioners proceed to consider it, and make some alterations which I take to him in the afternoon. In the evening while at dinner he calls and reads me an alteration which he desires to make to the fourth clause; he says they wish to avoid certain expressions which may expose them to attacks in Parliament, and assures me that the object of their amendment is not to vary the meaning of our article but only for the purpose mentioned. I tell him that I cannot speak for the other American Commissioners, who are anxious to have no changes, but for myself I will endeavor to meet his views, and to use the language he proposes, but some change must be made. He made some alterations on my suggestion. This interview did not last five minutes. Subsequently, late in the evening, he sent me a note enclosing the proposed altera-

²³ Foreign Office Papers; "Conference at Washington."

²⁴ Diary.

tion. On reading it, I find it will not answer.

Saturday, March 25, 1871;—. . . The fisheries are discussed. After adjournment Earl de Grey, taking me aside again, begs that we consider their position with Parliament; their work will be severely criticized, and they think they have already yielded very much. He again assures me that the object of their last amendment is not to lessen or limit liability; that they understand under it that the liability incurred by the original criminality of a vessel continues after her receiving a commission, and after her entrance thus commissioned into another port of the neutral.

Tuesday, March 28, 1871.—Joint Commission visited Mount Vernon. On the passage Earl de Grey tells me that he has an answer from his government to the proposed articles on international duties in connection with the *Alabama* Claims, and hands me a copy which I am not able to read on board the boat. It amends the *first* article, accepts the second and third, and proposes a substitute for the fourth.

Thursday, March 30, 1871.— . . . An informal conversation had with Lord de Grey about the *Alabama* propositions. A meeting of the American Commissioners was held to consider a substitute proposed by the British Commissioners for the fourth article. I subsequently leave with de Grey the agreement reached by the American Commissioners.

Sunday, April 2, 1871.—Earl de Grey brings me in the afternoon a copy of the alterations by the British Cabinet in the last proposed articles on neutrality, for submission in case of an agreement to arbitrate. They are not satisfactory. He says the British Government will consent to omit the fourth article entirely.

Tuesday, April 4, 1871.—In the evening received a note from Earl de Grey that the British Government had agreed to the articles on neutrality, as prepared by the American Commissioners, to be submitted to the articles in connection with the *Alabama* Claims.

Thus an agreement was at last reached and ratified at the joint meeting of April 6. The articles on neutrality—reduced to three—were of far-reaching importance, for they would not only determine the extent of British liability, but bind both governments in the future.²⁵ Their essence, in final form, was that a neutral government was bound to “use due diligence” to prevent the outfitting or arming of any vessel which it had “reasonable ground” to believe was intended to make war against another nation, and to prevent the departure of any such vessel. Second, it was bound to prevent any belligerent from making use of its ports or waters as a base of naval operations, or for procuring military supplies, arms, or recruits. Third, it must exercise “due diligence” in its ports and waters and over all persons within its jurisdiction to pre-

²⁵ Cf. S. F. Bemis, ed., *American Secretaries of State*, VII, 168.

vent any violation of these obligations.²⁶

Grant was a little uneasy about the effect of the new rules on the proposers! Fish read them to the Cabinet on March 31. "President and Boutwell," he writes, "seem to think that these articles are possibly more stringent than the United States would like to have them in the future."

IV

In this fashion, with important concessions on both sides, but with the Americans the principal victors, the *Alabama* question—as all hoped—was at last disposed of. The High Commission had done its work well. But at one point, as men learned later, it had unfortunately failed to remove a tremendous obstacle. In one sense, the most important single issue before it might be thus formulated: Was the United States really entitled to ask compensation for the indirect or *national* damages inflicted by the Confederate cruisers in prolongation of the war and other costs? That question should have been definitely (though not necessarily publicly) cleared away. It was not, and the penalty was paid later in months of controversy, resentment, and anxiety.

The ideal solution would have been for the Joint Commission to agree upon a clear "No." But Fish felt unable to do this. The American position, clearly outlined by Seward, violently stated by Sumner, and cautiously restated in Cushing's note, had held the indirect claims to be thoroughly valid. If Fish and his colleagues had now surrendered them, a storm would have burst upon their heads. Perhaps they exaggerated this danger; there is no way of telling—we cannot explore the might-have-beens of history. We can only say that the Senate has often dealt very harshly with treaties; that but 24 votes were needed to bring about a defeat; and that an alliance of the Sumner-Schurz group with the Democrats would have been formidable. It was best for Fish to take no chances. On the other hand, it was equally impossible for the British Commissioners to agree that the indirect claims *would* go before the arbitrators; for Parliament would have rebelled against a possible bill for war-prolongation. It seemed necessary to be imprecise on this subject—so far as written records went. Mr. Harold Nicolson tells us in his book *Peacemaking* that imprecision is the greatest peril that can beset any diplomatic negotiation. In this instance the imprecision

²⁶ Article VI, Treaty of Washington.

was deliberate and was also probably correct. Both sides agreed upon a courteous vagueness as to the admissibility of the indirect claims.

As a matter of fact, what was needed was a *tacit* dropping of the war-prolongation claims. But this tacit exclusion should have been clearly understood by both sides, and it was not. The British Commissioners thought they had obtained it, but the Americans never for a moment thought they had given it—and thence sprang a world of trouble.

A little more courage on both sides might have settled the matter. De Grey should have gone to Fish and said, "My dear sir, it really must be understood (though not a word goes on paper) that the indirect claims will quietly disappear from your case." Thus cornered, Fish could and probably would have consented to make only *pro forma* use of such claims. He had some ground to think that such use would probably satisfy the Senate. When he had first discussed the proposals of Sir John Rose with Senator Morton, as he records in his diary for January 15, 1870, the latter had been very conciliatory on the indirect claims. He thought that if Great Britain paid the expenses of running down the *Alabama* that "would be regarded as 'consequential' damage and would satisfy the public expectation on that point." Some quiet agreement should have been possible. But it was not reached. Instead, on two occasions de Grey and Fish politely and timidly skirted the issue.

The first occasion was on March 8, the day work on the *Alabama* question really began. Fish read his statement of American grievances.²⁷ After reviewing the direct claims, he declared that the British-equipped cruisers had also caused indirect losses, including the prolongation of the rebellion and the addition of large sums to the cost of its suppression. He went on, as already noted: "At the present, and in the hope of an amicable settlement, we present no estimate of the indirect losses, but without prejudices to the right of indemnification on their account. To yield them would be a very large concession." This statement was later included in the Protocol attached to the Treaty. The British thought it meant that if an amicable settlement, i. e., a treaty, were made, the indirect claims would be permanently dropped. The Americans thought it meant that their discussion was *temporarily* dropped to facilitate the drafting of a treaty. That accomplished, the claims, explicitly left "unprejudiced," might be reviewed.

²⁷ Protocols.

The second occasion was on April 8, when the Joint Commission took up the formal drafting of the Treaty.²⁸ They first dealt with what de Grey called the "enacting parts" or preliminary sections. Fish proposed a sentence stating that the two nations agreed that "all the differences between the two governments" growing out of the acts of the British-built cruisers should be submitted to five arbitrators. De Grey at once objected to the phrase "all the differences" as too wide and vague. Then ensued the sort of word-chopping so characteristic of diplomatic parleys. Fish argued at some length for the use of a broad term, asserting that "a partial submission will probably produce dissatisfaction in both countries, certainly in this country." After long debate, de Grey proposed another formula. It was a statement that the two nations "think it desirable that all the differences, etc., shall be settled, and agree to submit the claims, etc." Fish partly assented, saying that something of the sort might do, and agreed to bring a modified sentence to the next meeting. He also asked if there were any other points objected to. A great part of the American draft of a treaty was then read aloud. In the course of the reading Fish interrupted to say that he understood there was to be some expression of regret on the part of the British Government. De Grey agreed to this, and the British Commissioners promised to draft the apology while Fish redrafted the "enacting part."

De Grey and his colleagues thought that this was a bargain. They inferred from the close of the discussion that they should offer England's regrets, and in return the Americans would limit the arbitration to the direct and private claims. But it is evident from Bancroft Davis' Journal that the Americans thought nothing of the kind. They had insisted all along upon an expression of regret. Fish had mentioned it to Sir John Rose months earlier; had mentioned it again in opening the discussion of the *Alabama* Claims. They saw no reason to give a *quid pro quo*. And the "enacting part" agreed upon at the next meeting contained nothing whatever about omitting the indirect claims. On the contrary, it provided that "to remove and adjust all complaints and claims on the part of the United States," the two nations would submit "all the said claims, growing out of acts committed by the aforesaid vessels and generically known as the 'Alabama Claims.'" to a tribunal of arbitration.

²⁸ *Ibid.*

Finally, at the meeting of the Joint Commission on April 13 ²⁹ a new dispute arose over this enacting clause. The subject under discussion was the Tenth Article, providing that if the Tribunal found Great Britain liable for damages, but did not award a gross sum, a Board of Assessors should be set up to fix the amount. The question was raised whether this permitted the United States to claim reimbursement for the costs of pursuing the cruisers. As debate continued, feeling for the first and last time became angry.

De Grey snapped out that the British would never let the tenth article be construed as enlarging the enacting clause of the first article; they would go home first. He rose and resolutely locked his box. Fish hurriedly calmed him. He and the other Americans then withdrew to consult. In their own room they manifested much difference of opinion as to the effect of the enacting words, but Fish dominated the council. He returned and told the British that the Americans would leave the terms of the first and tenth articles untouched; but "we assent to the language used because we consider it sufficient to include all claims of the government which the arbitrators may find just." De Grey, mollified, said that this was satisfactory. Once more, the British thought Fish had yielded, while the Americans thought he had stood firm. Had he not spoken of "all claims?"—a phrase that also went into the Protocol. Thus to the very end the British failed to obtain a *precise* understanding about the tacit abandonment of the claims.

It was not merely unfortunate; it was destined to prove almost tragic. But meanwhile the final touches were put to the treaty in an atmosphere of the blandest courtesy. It was agreed that the Arbitral Tribunal should consist of five men, named by President Grant, Queen Victoria, the King of Italy, the President of the Swiss Confederation, and the Emperor of Brazil; and that they should meet in Geneva at the earliest convenient day. The Treaty in final form contained clauses granting equal rights of navigating the St. Lawrence, the Yukon, Lake Michigan, and the Welland and other Dominion canals to Americans and Canadians. It also contained a British expression of regret "for the escape, under whatever circumstances, of the *Alabama* and other vessels from British ports, and for the depredations committed by those vessels."

²⁹ *Ibid.*; April 13, 1871; Bancroft Davis states (*Mr. Fish and the Alabama Claims*, 77) that Fish privately told his colleagues that "he supposed it was pretty well agreed that there were some claims which would not be allowed by the Arbitrators, but he thought it best to have them passed upon."

By the beginning of May the work was practically completed. Fish on the 2nd read important sections of the Treaty to the Cabinet; on the 5th he discussed it with Senators Cameron, Morton, and Howe, and asked Caleb Cushing to prepare explanatory articles for newspaper publication.³⁰ On Saturday, May 6, all was finished except the signing of the instrument. It was read through by the Commissioners to save time on Monday—for several wished to catch the noonday train and reach New York for dinner—and sealed. The final scene on May 8, a brilliant spring day, was the proudest in Fish's life, and cannot better be described than in his own words: ³¹

The treaty with Great Britain is signed at the Department of State, the last signature being affixed at twelve minutes past eleven A. M.; the attaches of the British High Commission, the under-secretaries of the British legation, and most of the clerks of the State Department being present to witness the signatures.

At the conclusion of the signing, Lord de Grey took my hand and with much emotion said: "This is the proudest day of my life. I congratulate you, and myself, and my two countries, and I thank you most cordially for what you have done. Without your efforts no treaty could have been agreed to." Thornton also was much moved, and holding my hand, said: "This is a great result. You and I have worked hard for this, and have done what these gentlemen do not know to bring it about; we have worked for two years."

When Sir John Macdonald was about to sign, while having the pen in his hand, he said to me (in a half-whisper), "Well, here go the fisheries." To my reply, "You get a good equivalent for them," he said, "No, we give them away—here goes the signature"; and thereupon signed his name, and rising from the table, said, "They are gone." Northcote was calm, but expressed himself much gratified with the treaty, that it was fair and honorable, that Great Britain had conceded very much, much more than he thought she would be induced to do, and very much more than she could have done two years ago. Bernard expressed himself to the same effect.

The exchange of photographs and autographs was general, and the members parted in great good spirits and with cordial handshaking and leavetaking.

Several Senators, Morton, Hamlin, Frelinghuysen, and Patterson, called during the day to inquire as to the provisions of the treaty.

After the departure of the Commissioners, and [while] giving directions for the clearing up of the room which had been occupied by them, etc., I experience very much the same sensation that I used to have when in college after a laborious preparation for examination, when striving for the honors of the college and having passed the examination, and waiting to know the result and the standing of the class. A feeling of want of something to do,

³⁰ Diary, May 2, 3, 5, 1871.

³¹ Diary, May 8, 1871.

and of the absence of the excitement under which the labor had been sustained.

And while the idea of having nothing to do is upon me, in spite of myself, I have nearly a hundred dispatches and letters upon my table requiring examination.

Sir Stafford Northcote burst into poetry with an Ode to the Fourth Article; everybody took a piece of red-and-blue ribbon as a souvenir; autographs and photographs were exchanged; and amid a mass of flowers sent by Washington ladies, they all sat down to strawberries and ice-cream! ³²

V

The task of obtaining ratification loomed immediately ahead, for Grant had summoned the Senate to meet in special session on May 10. Fish was in favor of prompt publication of the treaty, but before officially released, the text leaked out in slightly incorrect form to the *Tribune* and *World*. There seemed little doubt of favorable action. Of the numerous Senators who came to the Department to read the treaty and hear Fish explain it, only two or three withheld their approval. Howe of Wisconsin was at first dubious about several points, particularly the articles defining neutral duties; Carl Schurz was non-committal. "Poor Patterson," wrote Fish on May 9th, "belongs to somebody; yesterday he was in favor of the treaty; he passed some time last evening with Sumner; today he don't know where he is, or to whom he belongs; he higgles, he wants to support it but does not know whether he will be allowed to do so." But Simon Cameron and a majority of the Foreign Relations Committee could be counted upon, while Hannibal Hamlin, Frederick T. Frelinghuysen, and several others showed enthusiasm. ³³

The most interesting question was as to Sumner's attitude. Though he had been ignored by Grant and Fish, the British Commissioners had paid assiduous attentions to him, and Rockwood Hoar had kept him informed of every conclusion reached. He still spoke in harsh terms of Fish. On April 18, pointing to a roll of manuscript on his Senate desk, he told Oliver P. Morton that it was an attack upon the Secretary which he intended to make before adjournment. After uttering some

³² Lang, *Sir Stafford Northcote, First Earl of Iddesleigh*, Ch. XII.

³³ Diary, May 7, 9 ff., 1871.

words so harsh that Morton would not repeat them, he added bitterly that Fish's children had been brought up on his knees. "For several years," Fish commented in his diary, "he was in the habit of getting his dinner two, three, even four times a week at my table, and at this time he was not admitted into more than two or three houses in Washington. Having thus for years enjoyed the hospitality of my house he now assumes that it was he who was the benefactor. Bosh! Crazy!" Sumner still talked of damaging disclosures. We read in the diary:

April 21, 1871.—General Butler reads to me a copy of a letter which he says he wrote to Charles Sumner on the 16th inst., dissuading him from his threatened intent to make public some private letters which Sumner claims that I had written to him.

I told Butler that while probably I have written in the careless freedom of my long intimacy with Sumner many letters which may be very foolish, and which were never intended for the public eye, I am not aware of anything which if *truthfully* copied would affect me, or in any way enable Sumner to sustain any complaint against me. I tell him that for a couple of years at least I have regarded Sumner as insane upon a class of questions, and that I may have used expressions in writing, as I have done in conversation, intended to soothe and avoid exciting him, but that he can produce nothing of mine that can without distortion or misrepresentation injure me. However, I express to Butler my appreciation of the kindness of his effort; for the great breach of ordinary and decent propriety and confidence which Sumner had contemplated would have involved an unpleasant controversy and probably have compelled me to produce the real letters written by me, in full, and also many of Sumner's.

But confronting the treaty, Sumner could not deny that it was fair, that it contained none of the flaws which he had criticized in the Johnson-Clarendon Convention, and that American sentiment was strongly in favor of accepting it.

Most of the press, indeed, was enthusiastic. The *New York World* found that "nearly all the concessions were made on the British side." The *Times* and *Tribune* applauded vigorously. The *Springfield Republican* was all approval, though it wished that the treaty might have taken "an initial step at least towards the removal of the British flag." Most Boston newspapers attacked Ben Butler's effort to arouse the Massachusetts fishermen against the treaty. Beecher's *Christian Union* rejoiced in a victory for justice and humanity, and the *Independent* in "a long step towards the general principle of a Congress of Nations."

The *Nation* concluded that the United States had obtained all that a self-respecting nation could ask, or a self-respecting nation could give. Altogether, Goldwin Smith could write Gladstone that the effect of the treaty in America had been "as good as possible."

In the end Sumner took a sportsmanlike course. The Sunday after the treaty was signed, Rockwood Hoar called on Fish after a long talk with the Senator. He brought word that all was well—Sumner would shortly announce his approval. John V. L. Pruyn came later that afternoon with additional information; Sumner criticized certain points in the treaty and would offer amendments. He did propose amendments broadening the statements upon international law, but refrained from pressing them lest he endanger a compact which, he generously said,³⁴ would "be hailed with joy by the thinking men of Great Britain and the United States." On May 24 Fish was able to place in his diary the triumphant entry:]

"Treaty with Great Britain ratified by a vote of 50 to 12."

All of the Republican Senators voted aye save Sprague of Rhode Island, Hamilton of Texas, West of Louisiana, and Blair of Missouri; while two Democrats, Bayard of Delaware and Hamilton of Maryland, broke from their party to support it.³⁵ In England the only important opponent was Earl Russell, and his speech to the Lords condemning the "British surrender" met a chilling response.

The date of the Senate's approval was Queen Victoria's birthday. Ratifications were formally exchanged in London on Bunker Hill day, June 17. President Grant proclaimed the treaty in full effect on July 4. The notice taken of these coincidences illustrated the feeling on both sides of the Atlantic that the treaty was an event of cardinal importance in the history of the relations of the two English-speaking Powers.

³⁴ Pierce, *Sumner*, IV, 489.

³⁵ Thornton wrote Granville of the ratification (PRO, FO 115, 525; May 29, 1871) saying that other Democratic Senators had expressed high approval of the treaty, but the caucus on May 23 had decided it would be to the party interest to oppose it! This was party folly. The diary of that good Democrat and friend of Fish, John V. L. Pruyn, shows that he lobbied hard for the treaty.

The fishery articles did not come into really final effect until Canada passed the necessary legislation. The House at Ottawa voted approval in May, 1872, by a wide margin—121 to 55.

As Fish replied to a shower of congratulatory letters during the last weeks of May, 1871, he felt that he had achieved the principal objects which had induced him to remain at the State Department beyond the few months originally intended. Indeed, he had achieved much more. He had not merely ensured a peaceful settlement with Great Britain, but had helped erect an imposing new precedent in international arbitration. "I trust it will not be considered vain," he wrote a friend,¹ "to give expression to the belief that the treaty inaugurates a new era in the relations of the two governments, and possibly (even beyond that) in the mode of settlement of grave questions between great Powers. I do not believe that wars are to cease forever because of the treaty; but I believe that many will be avoided which would otherwise occur." American relations with Spain, unless some unforeseen explosion occurred, now seemed proof against warlike alarms. The misadventure in Santo Domingo was being abandoned. In every direction the outlook was peaceful.

While he and de Grey still toiled long hours daily, he had hinted to friends that soon after the Treaty was ratified he would quit his post. He had suffered heavy financial losses through inability to watch his railway investments; ² he disliked the social burdens of Washington; and above all, he missed his family. A deeply affectionate man, he had always delighted to have his eight children near him. "God grant," he wrote a younger friend,³ "that you may never know what it is, after having been thus surrounded, to find yourself, as you began your married life, sitting down meal after meal, the same pair that you began, but without the *hope* that cheered that beginning, without the future that then beckoned you on." He meant to help Grant select the American Arbitrator and counsel, and to assist in preparing the legal case, but he hoped that by autumn his hands would be free.

In April the leaders of Congress learned with consternation of his plans. They at once attempted to dissuade him on general grounds, and in particular by the dire prospect that Oliver P. Morton would be the

¹ To Truman Smith, May 27, 1871; Letterbooks.

² To Samuel Welsh, May 18, 1871; Letterbooks.

³ To George F. Edmunds, June 10, 1871; Letterbooks.

next Secretary and undo half his work. No one doubted Morton's ability, both executive and parliamentary. As war governor of Indiana, indefatigable in raising troops and stamping out the Knights of the Golden Circle, he had done the Union great service. Though a paralytic stroke made him a cripple, unable to stand long without support, he had entered the Senate in 1867 and proved one of Grant's ablest lieutenants. He spoke frequently and incisively and helped shape many measures. But he had taken the wrong side more often than the right; he had been a Radical upon Southern Reconstruction, a leader in Johnson's impeachment, an opponent of civil service reform, an advocate of greenback inflation, a warm supporter of Dominican annexation.⁴ He liked to advertise his influence over Grant, informed the press of every conference with the President, and spread reports that he was soon to enter the Cabinet.⁵ He had his eye upon the Presidency in 1877 and would gladly accept the State Department as a stepping-stone. Alarmed Republicans, eager to head him off, pleaded with Fish to stay.

Blaine, nursing Presidential ambitions of his own, was the first to call. "He expresses great apprehension of Senator Morton being my successor and of his influence over the President," writes Fish on April 22, 1871. "Expresses great mistrust of him; thinks him a demagogue, extremely ambitious and selfish, and does not accord to him much principle, either political or moral; mentions the statement made to him by a 'lady of Indiana, a discreet matron,' etc., that 'no lady in Indianapolis having any regard for her reputation would be seen walking or riding alone in company with him,' also other remarks affecting his character in other respects. Blaine says that a very general mistrust of Morton exists among the Republicans in the House of Representatives." Zach Chandler next day was even more scathing. "Damn it," he exclaimed, "Morton wants the public to think that he owns and runs Grant. And God damn him, he is making them believe it, and nothing could be more injurious to Grant and to the Republican Party." He accused Morton of being on both sides of all the great public questions at once, and of maintaining an intimacy with Schurz and Sumner while he wriggled into the confidence of Grant. "He is putting himself

⁴ Schouler, *United States*, VII, 205. It should be noted that shrewd newspapermen deplored Morton's sway over Grant. The *Chicago Tribune* in 1872 called him the "evil genius" and "ruling spirit" of the Administration; the *New York World* "its master"; and the *Louisville Courier-Journal* "the ablest and most depraved" of all Administration Senators. W. D. Foulke, *Oliver P. Morton*, II, 263-265.

⁵ Diary, April 23, 1871.

into a position to go with whichever may seem the strongest." His recent speech on the redemption of the public debt had cost the party 10,000 votes in Indiana. "If Morton succeeds you or otherwise goes into the Cabinet," Chandler said, "it will be impossible for the Republican Party to carry the next Presidential election, for nobody has any confidence in him." He was not a safe adviser, he "equivocated," and lacked principle. Senator Carpenter sent word to Fish that he held the same view—that the Secretary must not resign.⁶

Conkling came next, declaring that Morton as Secretary of State would be disastrous to any hope of future Republican success. "No one can tell from anything he has said or done at the Capitol whether he means to go with Sumner, Schurz, and Tipton, or with the President. He has neither moral nor social fitness for a Cabinet position."

But Fish was unmoved, for he was confident that the President had no intention of appointing Morton. He deferred notifying Grant of his decision until a week after the Treaty had been ratified. On May 29, at the close of a long conference on other matters, he said that he would like to quit office about August 1. Grant was shocked and grieved. He expostulated anxiously, saying that he could not replace Fish and would far rather spare any other member of his Cabinet. The conversation was interrupted by the entry of Secretary Delano, Cox's successor in the Interior Department, and General Parker. But Delano had heard enough to gather its character, and following Fish into the hall, pleaded with him not to resign. The sterling Wisconsin Senator, Timothy O. Howe, also spent half an hour trying to dissuade Fish. A fortnight later Fish again spoke of the matter, and once more Grant protested in urgent terms. He insisted that the Secretary remain till the close of his term, and finally induced Fish to promise to stay until November.

"I do not know whom I can name," exclaimed the President. They discussed Edwards Pierrepont, Edwin D. Morgan, and Isaac H. Bailey, and agreed that none would do. Morton was not even mentioned. "Have you ever thought of transferring some member of the Cabinet?" inquired Fish. "Yes, I have," said Grant. "It has occurred to me that Delano might do." He knew nothing of Delano's real character, and had not yet had time even to gauge his abilities! Fish was shocked. "I would rather suggest Robeson," he rejoined. But Grant correctly felt that

⁶ Diary, April 22-26, 1871.

Robeson would be unacceptable to the public.⁷

Thus the matter was left for five months, until winter was at hand. "Well, we will talk it over another time," Grant had observed. But he took pains not to talk it over, and clearly wished to postpone the evil day. In a long summer, busy with many loose ends of foreign policy, Fish made no further allusion to resignation.

I

Santo Domingo, one of these loose ends, was important only in its relation to the growing revolt against Grant. The investigative commission authorized by Congress and appointed by the President sailed in January, 1871. Fish was pleased by the three members chosen: old Ben Wade of Ohio, a Radical Republican attached to all Negro causes; Andrew D. White, head of Cornell University, a publicist of exceptional literary power; and Samuel G. Howe of Massachusetts, lifelong reformer and close friend of Sumner. The Commission had a secretary in Frederick Douglass, the Negro leader, who believed in the possibility of colonizing his race in Santo Domingo, and a military adviser in General Franz Sigel, influential among the Germans swayed by Schurz. Besides geologists, mineralogists, and other scientists, ten newspaper correspondents were aboard. The party was talkative and merry. Howe had fought with Byron in Greece forty years earlier; another had been in the Crimea; a third had participated in half a dozen Latin-American revolutions; a number had served in the Civil War. At night in the cabin they listened to Ben Wade upon his quarrel with Toombs, or his anecdotes of Lincoln and Stanton; they heard Dr. Howe upon Boston men of letters, or Sigel upon his Missouri campaign; and Douglass told of his twenty years of bondage. On January 24, under a sun which burned the deck, they ran into the blue bay of Samaná, where the green hills, cocoanut groves, and thatched villages enchanted them. "Mr. Fabens, Judge O'Sullivan, and some others spend a great deal of time here, but can hardly be called inhabitants," wrote the *Tribune* correspondent.⁸

The party remained in Santo Domingo or the neighboring waters

⁷ Diary, May 29, June 13, 1871.

⁸ On the visit of this Commission, see A. D. White, *Autobiography*, I, 486 ff.; Laura E. Richards, *Samuel Gridley Howe*; letter of S. G. Howe in N. Y. *Tribune*, August 23, 1871; and above all, the Commission's report.

for five weeks. While it worked conscientiously, the time did not permit an adequate investigation; and though Fabens and Cazneau were absent, the geologist Gabb adroitly took the Commission in hand. He wrote Fabens that he had acted with great effect.⁹ Wade had said that he thought the devil must have gotten into Brother Sumner. "They express themselves satisfied, thanks to my endeavors, that there is no underhand work or improper jobbery in our survey and we will get the biggest kind of a puff from them on the score of good faith. My annual reports to the government, which were very guardedly written with a view to the present contingency, will be quoted at length and endorsed as reliable. And—!! The Commissioners are all three 'down on' their own geologist!! For the news—with a dozen reporters here, there's nothing left for me to say—I've manufactured a good four-fifths of all the public opinion that will be formed by them and in this I consider that the Co. owes me at least 3 or 4 months extra salary." The Commission found most of the inhabitants strongly for annexation, and submitted a report favorable to that step. Wade, a Manifest Destiny man, and Howe, carried away by humanitarian zeal for the Caribbean, were quite uncritical, but White compelled them to include some scientific data in the report.¹⁰

Obviously it was too late for such a document to have any real effect. Public opinion had long since crystallized, and Grant's best friends had warned him that it would be impossible to annex the republic by joint resolution or any other means. He realized that the only utility of the report would lie in furnishing a partial justification of his original policy.

When the Cabinet took it up on March 31, 1871, Fish was relieved by his attitude. "President reads draft of proposed message communicating report, to which some amendments and alterations are suggested," states the diary. "In the main it is right; he submits the whole question to Congress and the people. Asks no action, recounts his action with regard to it, and claims that the report justifies his views and expressions." This quiet message, merely requesting publication of the findings, went at once to Congress. There was much dignity in the passage with which Grant closed it. Rejection of the treaty, he wrote,

⁹ February 11, 1871; Fabens Papers.

¹⁰ The correspondent of the *N. Y. Tribune* was H. J. Ramsdell; for his hostile reports see the issues of February 24 and March 17, 18, 1871, in particular. Cf. White, *Autobiography*, I, 487, 488.

had been accompanied by charges of "corruption on the part of the President or those employed by him." This had made an investigation imperative. The Commission had completely vindicated the purity of all those who conducted the negotiations for annexation. "And now my task is finished, and with it ends all personal solicitude upon the subject."¹¹

But Sumner was not the man to forego the opportunity for a new attack upon the President. Anticipating the report by more than a week, he delivered from printed slips a speech of three and a half hours, full of eloquence and power.¹² Speaking not upon annexation, for that was dead, but upon the methods used to promote it, he harshly scored Babcock, Cazneau, and Fabens. But his principal target was Grant, whom he once more assailed as a violator of international law and a usurper of unconstitutional war powers; a leader who had used the navy to bully Haiti, and to interfere belligerently in Dominican affairs. Sensational rumors that he would castigate Grant for his nepotism and tolerance of corruption drew a throng to the galleries. But Sumner shrewdly reserved this part of his fire for the winter session. His most intemperate paragraphs were those which accused Grant of neglecting "fearful outrages" at home. Had he "been so inspired as to bestow upon the protection of the Southern Unionists, white and black, one half, nay, sir, one quarter of the time, money, zeal, will, personal effort, and personal intercession which he has bestowed on his attempt to obtain half an island in the Caribbean, our Southern Ku Klux would have existed in name only." This was doubly unjust; it was never one of Grant's faults that he was too lenient with the conquered South. But Boutwell soon returned from a New England trip reporting that the speech had produced not the slightest impression in Sumner's own section.

Now that the commission's report had been published, friends of the Administration hoped that Santo Domingo might be completely forgotten. Fish labored manfully to thrust the subject into the background. On June 16, 1871, the President showed the Cabinet ¹³ a pleading letter which Baez had written him on April 10—Fish having also had one from Secretary Gautier. They saw themselves on the brink

¹¹ Richardson, *Messages and Papers*, VII, 128-131.

¹² *Congressional Globe*, March 27, 1871. Two days later Carl Schurz made an extremely effective speech on Santo Domingo.

¹³ Diary.

of ruin, and Dr. Howe, sympathizing with them, had urged Grant to renew the Samaná Bay lease and continue his protection of the Baez Government. Robeson remarked that the orders under which the navy was to repel any interloping nation had never yet been revoked. But Fish at once seized his opportunity. "Mr. President, all obligation of protection is at an end, and those orders ought to be annulled forthwith," he said. When Robeson and Boutwell spoke of the desirability of furnishing Baez some funds, he was equally emphatic: "I have none at the disposal of my department." Even if renewal of the Samana lease were wise, he went on, it would not justify continued naval protection of the Baez Government. Grant approved of a renewal of the lease, remarking that it would at least give Baez moral support. But Fish objected that nobody in Washington was empowered to negotiate for Santo Domingo. "Fabens is here," said Grant. But Fabens had been completely discredited, and Fish replied shortly: "It will not answer to negotiate with Fabens."

As a matter of fact, the treaty authorizing the lease had expired. Though an agreement authorizing its extension had been drawn up in July, 1870, just before Congress adjourned, Grant had mislaid it and forgotten all about it: "I rather think it was left in this room," he said, gazing about his office. Actually he had dropped it on the floor of his room in the Capitol, where it was temporarily lost. Fish felt no regrets over this, nor was he very sympathetic when sundry friends of the Baez Government told him of its desperate financial extremities. Its geologist, W. M. Gabb, reported to the Secretary that it had only about \$4,000 in the treasury; ¹⁴ but Fish said in effect that Baez's plight was no affair of the United States. Boutwell, in a long talk with the Secretary on June 17, agreed that renewal of the lease or the protectorate would injure the Administration, and that the existing naval orders ought to be revoked.

When in October, 1871, Fabens turned up at the State Department and gaily announced that he desired a renewal of the lease, he met a peremptory refusal. "I will not negotiate any treaty with Santo Domingo except in the most formal diplomatic manner," said Fish. "Nor will I recognize you, Mr. Fabens—an American citizen—as the representative of Santo Domingo." Fabens defiantly said that the Dominican Government would not sign a lease unless protection were con-

¹⁴ Diary, June 19, 1871.

tinued. "Continued!" exclaimed Fish. "The protection ceased long ago. It was intended to last only through the plebiscite on annexation. It lapsed as soon as that was over." He tells us that he spoke "with much emphasis." The unhappy Fabens stuttered something about an extension of both lease and protection. Fish rejoined that the extension had never been sent to the Senate. "I will not negotiate with you under any circumstances," he reiterated.¹⁵ "My opinion is that the whole subject should be dropped for at least a year."

A fortnight later Fish read the Cabinet a formal request by Gautier for renewal of the lease without protection and without submission to the Senate. "I will not be a party," he said, "to any such arrangement." Grant was resigned: "We will drop the matter, and leave the whole question for Congress and the people." "Thus," comments Fish with evident relish,¹⁶ "a troublesome, vexatious, and unnecessary question is, as I trust, finally got rid of." As a matter of fact, an unhappy sequel of it was later to haunt him. The first year's rent of Samaná had very improperly been paid by Grant out of secret service funds. A second year's rent was paid, purely as a speculation, by Spofford, Tileston & Co., with the less selfish aid of Jay and Henry D. Cooke. Before long they were asking for repayment from the government—and Grant was most unwisely abetting them! Yet the general question *was* dropped.

With the Presidential election looming ahead, it was dismissed in the nick of time; but great was the feeling it left behind. Grant never forgot the subject, and in his last annual message recurred to it with pain. Schurz, Sumner, and Trumbull were preparing to use the issue to help disrupt the Republican Party. And yet, unhappy as it seemed, the Dominican adventure had served two great purposes. But for it, Grant would never have been deflected so easily from Cuban intervention. But for the wedge it drove between Grant and Sumner, Fish's prompt, moderate, and pacific settlement with England might never have been possible.

II

The difficulties with Spain, which kept simmering up toward the boiling point, were lessened by the establishment on February 12, 1871, of an arbitral board to pass upon American claims for damage in Cuba.

¹⁵ Diary, October 11, 1871.

¹⁶ Diary, October 27, 1871.

Sickles had ably conducted the negotiations.¹⁷ Consisting of one American, William T. Otto, one Spaniard, Don Luis de Potestad, and an umpire selected by both, the board served throughout the remainder of the Ten Years War in Cuba. Caleb Cushing acted as American counsel.¹⁸ On emancipation and other reforms Spanish dilatoriness remained irritating in the extreme. Yet Fish and Don Lopez Roberts now often adopted a bantering tone. Roberts complained one day, for example, of the Cuban privateer *Hornet* as a "pirate," and Fish sharply reminded him that if Spain molested an American vessel on the high seas, it would be an act of war. But both then assumed a good-natured attitude:¹⁹

He thinks we have a bad record with respect to the vessels which have been fitted out against Cuba, to go before the tribunal at Geneva, and that it would be to our interest to settle with Spain before the trial. I laughingly say, "We have behaved well to Spain. What is there to settle?" He asks if I wish him to give me a memorandum on the subject. I reply, "Of course I will receive anything on the subject you give, but I do not invite any such memorandum." He says he does not propose to make any official or formal communication, but if it will not be inconvenient (and he thinks it will be convenient to have it), he will hand me a memorandum privately and unofficially. I answer that I am always glad to receive suggestions, and will receive his memorandum as an informal and unofficial suggestion.

An evil fate haunted the French Legation. In March, 1871, the new Minister, M. Treillard, went insane; he had been greatly depressed by the crushing national defeat and by the corruption of his consul-general in New York, who defrauded the French Government on arms bought in the United States.²⁰ "Besides this," Fish wrote Washburne, "he had lost largely by the destruction and carrying away of his property by the enemy in France." Meanwhile Baron Gerolt, Prussian representative since Polk's time, had fallen into difficulties with his government and been recalled. He blamed George Bancroft in Berlin for his misfortune. While Bismarck had certainly been displeased by some of Gerolt's statements as to the German objects in the Franco-Prussian War, no evidence existed that Bancroft had been a tale-bearer. But Gerolt came repeatedly to the State Department to pour out impassioned complaints. Fish sympathized with the old gentleman, his long

¹⁷ Diary, February 12, 1871.

¹⁹ Diary.

¹⁸ See *Foreign Relations*, 1871, 697-773.

²⁰ Diary, March 12, 1871.

career ending amid dark clouds, and said many kind things; yet at times he lost patience. When Bancroft was commissioned Minister to the new German Empire, Gerolt burst in one evening to express a most unreasonable indignation. "Poor old Baron," wrote Fish.²¹ "He has outlived his memory, his good temper, and his discretion. Pity!"

But the principal thorn in Fish's side was the perverse, mendacious, and treacherous Russian Minister, Count Constantin de Catacazy. This slippery diplomatist, a native Russian of part-Greek descent, had been sent over by Prince Gortschakoff in 1869. The count had always been a stormy petrel. When a handsome young secretary of legation in Rio de Janeiro he had caused an international scandal by running away with the wife of the aged Neapolitan Minister to Brazil. In 1848 he had turned up in Washington as First Secretary, and rented a cottage for his paramour in Blandensburg. His audacious wit had attracted Daniel Webster and others.²² Now, regularly married, he was received by the best Washington society, and might have had an honorable career there. But he was never happy except in some intrigue; loving the atmosphere of plots, cabals, and stratagems, he should have been born in the age of Richelieu. Moreover, he was dishonest. A newspaperman gave Fish some confidential information on June 12:²³

Frank Turk at my house this evening. Says Catacazy has defrauded his government; that the Government sent an amount of money for the purchase of land for a Greek Church in New York. That Catacazy purchased the lots for \$17,000 greenbacks, and charged the Russian Government \$20,000 gold; that he (Turk) investigated the title, and at Catacazy's instance induced the seller, very reluctantly, to insert \$20,000 as the consideration in the deed, when only \$17,000 were paid, and that Catacazy agreed to pay the United States revenue stamps on the additional \$3,000 before the seller would consent, and did pay them; that the seller was some person from Long Island, and that he (Turk) had great difficulty in inducing him to insert in the deed a different consideration from that really paid. . . .

As long as Fish heard nothing worse of Catacazy than this he showed a chilly tolerance. The man was full of talent and very entertaining. But the so-called Perkins Claim—perhaps the most malodorous of the many claims upon which lobbyists, shysters, and political harpies fed

²¹ Diary, June 1, 1871.

²² The author has profited greatly from a paper on "The Catacazy Affair" by Mr. Reinhard H. Luthin. The State Department archives contain two volumes of briefs and affidavits entitled *Claim of Benjamin W. Perkins* and *Claim of Anna B. Perkins*.

²³ Diary. Cf. the article on Mme. Catacazy in *Every Saturday*, November 18, 1871.

during the Gilded Age—complicated their relations. Captain Benjamin W. Perkins, a figure worthy of E. Phillips Oppenheim, was a sea-rover of Worcester, Massachusetts, who during the Crimean War had allegedly entered into a contract with Captain Otto Lilienfeldt, Russian agent in New York, to place 35,000 arms in Sebastopol. Perkins also declared that he had a verbal agreement with Baron Stoeckl, the Russian Minister, to supply gunpowder. When the Russians repudiated both contracts, Perkins hurried to a lawyer. Ultimately his claim fell into the hands of a Washington lawyer and wirepuller, Joseph B. Stewart.²⁴ This man, able, unscrupulous, a reckless gambler in gold and stocks, was for years “the big boss of the lobby.” He had much to do with corrupt “jobs” in connection with the Union Pacific Railroad and Credit Mobilier. Stewart and others induced Lewis Cass, Buchanan’s Secretary of State, to ask the Russian Government for arbitration of the claim, which was indignantly refused. Then in the Lincoln Administration powerful men were enlisted—William M. Evarts, Caleb Cushing, and Thaddeus Stevens. A brief was prepared by Evarts and Cushing. The Perkins Claim was probably quite fraudulent. But by 1861 it had a powerful backing among politicians, lobbyists, and legal luminaries, and Secretary Seward demanded action in St. Petersburg. Gortschakoff flushed with anger and told the American Minister, “We will go to war before we pay a kopeck!”²⁵

So the claim stood when Fish took office. Unlike Seward, he regarded it with deep distrust. But the acts of his predecessors constituted a precedent for asking arbitration. Moreover, the claim had entered into the complicated bargaining and corruption which accompanied the purchase of Alaska. House obstructionists interested in it had held up this purchase until they exacted certain promises from Seward and Stoeckl; the details are vague, but it is certain that the two men engaged to have it arbitrated as soon as the House passed the appropriation for Alaska. No wonder that Stoeckl, worn out, implored the Imperial Government: “Send me where I may breathe a purer air than that of Washington!” Fish found in 1869 that Stewart was still

²⁴ For matter on Stewart, see Rollin H. Kirk, *Many Secrets Revealed, or Ten Years Behind the Scenes in Washington City*; C. de Catacazy, *Un Incident Diplomatique*; and a mass of material in newspapers of the day. Some letters from him are in the Thaddeus Stevens Papers in the Library of Congress.

²⁵ *Cassius Marcellus Clay: Memoirs, Writings, Speeches*, 406. Cassius M. Clay had been Minister to Russia at the time.

pressing it, that N. P. Banks was still interested, and that Congress threatened action. Ben Butler was said to have bought a share in it.²⁶ Moreover, Stewart hastened to employ Frederick T. Dent and Judge Louis Dent, brothers-in-law of the President. Grant soon evinced a naïvely belligerent interest in the claim.

We may pass briefly over the preposterous events which followed. Grant took a stiff stand. Fish writes under January 28, 1870: "Cabinet; all present. President speaks of the Perkins Claim with remarkable earnestness; has read Seward's letter on the Claim, and is urgent that a settlement be made." While mildly urging arbitration on the Russian Minister, Fish acted cautiously.²⁷ He showed a frank resentment of the meddling by Grant's relatives. Thus under April 22, 1870, he writes again: "I . . . state [to the Cabinet], having Judge Dent in view, and indicating but not naming him, that when it was found necessary to employ a new agent or attorney, the amount of the Claims increased by the amount necessary to give him." Catacazy not only stood adamant, but brought up a counter-claim—one for interest on the purchase-money for Alaska, which had not been paid over until three months after the stipulated date!

And a newspaper war soon commenced. Stewart and the Dents inspired a flaming five-column article in the Washington *National Republican*, an "Administration organ" of disreputable tone edited by W. J. Murtagh, of whom we shall hear more.²⁸ Catacazy responded by a violent publication (in the form of letters to and from Cassius M. Clay) in the Washington *Morning Chronicle* of March 11, 1870. This irritated Secretary Fish. It was outrageous for a foreign Minister to engage the press under his own name upon an official question, and he sent a sharp note expressing his surprise. "You will oblige me by in-

²⁶ Butler had introduced a resolution to withhold \$500,000 of the sum appropriated to buy Alaska in order to meet the claims of "American citizens" against Russia. *Cong. Globe*, Vol. 40, Pt. 2, pp. 4052-4053. Baron Stoeckl declared that Butler had a \$30,000 share in the Perkins Claim; Frank A. Golder, "Purchase of Alaska," *American Historical Review*, XXV, 411-425.

²⁷ Fish wrote the chargé at the Russian Legation, Bodisco, asking for action on the claim, and Bodisco replied by sending a copy of a note Gortschakoff had written March 10, 1869, asking for authentic copies of the alleged Perkins contracts. When Fish called on Stewart for copies, the latter replied that the contracts had been verbal; Stewart to Fish, March 29, 1869. Fish was suspicious from the outset. But as he wrote Minister Curtin, "We cannot well let it drop. Were we inclined to do so Congress would not let it rest." April 22, 1870; Letterbooks.

²⁸ *National Republican*, April 22, 1870. Catacazy told Fish that Murtagh had a financial interest in the Perkins Claim, which is more than plausible; Diary, December 22, 1870.

forming me if that correspondence is genuine, and whether it was published with your sanction and at your instance.”²⁹ Catacazy defiantly replied that he had had “the honor” to cause the publication. Thereupon Fish sent an indignant comment to Minister Curtin in St. Petersburg. The publication, he wrote,³⁰ “has been the subject of very severe criticism and comment among the diplomatic corps here. Many of them have taken occasion to speak to me about it, condemning it as most unwise, impolitic, and indecorous.”

In February, 1870, reports reached Washington that Chancellor Gortschakoff had been succeeded by Ignatieff. On March 3 Grant summoned Fish to the White House. He read the Secretary two letters which Stewart and Dent declared they had obtained: One a dispatch from Ignatieff severely censuring Catacazy for his stand upon the Perkins Claim, and one Catacazy's answer, in which Grant and Fish were assailed and traduced. Fish called in Catacazy, who seemed furious. He denounced the letters as forgeries, which they proved to be. As a matter of fact, Gortschakoff had never been displaced by Ignatieff at all! Just who wrote these two clumsy forgeries may never be known. It was possibly one of Stewart's agents, though some observers, including Fish and Bancroft Davis, later believed it had been Catacazy himself!³¹ For Catacazy at once proceeded to make capital out of the incident. Though Fish wished to drop it and avoid “public scandal,” the exuberant Minister chattered about the forgeries all over Washington. At dinner parties and receptions he used them to heap ridicule and denunciation upon the Perkins Claim. Fish noted with disgust that even at state dinners Catacazy dragged in the Claim; and he soon heard that the Minister was spreading slanderous tales about him and the President.

²⁹ Fish to Catacazy, March 12, 1870; State Department MSS, Notes to Russian Legation.

³⁰ April 22, 1870; Letterbooks.

³¹ See Fish's *Diary*, March 3, 13, 14, 16, etc., 1870. See also Bancroft Davis's *Diary*, October 25, 1871, reporting a conversation with M. Chambrun. “I asked him if he knew the history of those papers. Said that he believed he did—that the papers were prepared, as he understood, by Catacazy, were given to Dolgourouski, who took them to Tasistro [another Russian adventurer]. Tasistro took them in French to Stewart, pretending that he had got them from Waldemar Bodisco, and offered them to Stewart, who took them in good faith. I said that tallied with what Mr. Fish had told me, except that in addition Tasistro had, to deceive Stewart, arranged that he, Tasistro, should go into Welches' Restaurant, and that Waldemar Bodisco should be made to follow him, and thus give an appearance of reality to the intrigue. I said that Mr. Fish was morally certain that Catacazy was the originator of the fraud.” Verily, the tale even surpasses E. Phillips Oppenheim.

Although he observed a formal courtesy, and invited Catacazy to the diplomatic dinner and official receptions, relations between the two men rapidly grew strained. Catacazy was constantly trying to disturb Anglo-American relations. We have mentioned his manoeuvres when the Franco-Prussian War broke out. In November, 1870, following Russia's abrogation of the Black Sea convention, the Minister sent home two dispatches of the most brazen mendacity. He knew that Gortschakoff would be pleased by any evidence of American support. He therefore wrote that he had talked with Fish; and Fish had given him to understand that, if an Anglo-Russian War began, the Czar might contract an armed alliance with the United States, and that America would even be willing to send a squadron to the Black Sea to aid Russia! In his second dispatch he stated that Fish had asked for Russian support in the demands on England in the *Alabama* negotiations, and had again spoken of the feasibility of sending an American fleet to the Black Sea! These Munchausen tales were coldly received by Gortschakoff. But he mentioned them to Minister Curtin, and Curtin wrote about them to Fish. The Secretary was stunned. After he had regained his composure, he sat down and (January 9, 1871) answered Curtin:

I read to the President your letter of 18 Dec. He was quite indignant and says he has never held any conversation with Mr. C[atacazy] on the probable or possible course of the Government in the event of war between Great Britain and Russia; never intimated to him, or to anyone else the possibility or intention of sending a fleet to the Mediterranean or Constantinople. . . . I know that the Cabinet has never given a single moment to the consideration of an alliance, offensive or defensive, with Russia.

Fish would have been justified in asking for Catacazy's recall. But in the delicate state of relations with Great Britain and Spain, he was anxious not to impair Russian cordiality. His resentment rose, however, when it became plain that Catacazy was plotting to defeat the work of the Anglo-American High Commission. The British envoys no sooner arrived than he began to make slurring remarks; he aired his doubts of a settlement; he buttonholed men on each side and tried to excite their prejudices. To these meddling activities he added a personal affront to Fish. He gave a dinner to the Joint High Commission, invited every member except the Secretary, and then wrote a letter

in which he boasted to a New York journalist: "You see, we did not invite Mr. and Mrs. Fish." This letter was shown to Fish's friends. Finally the Secretary discussed Catacazy's machinations with Grant, and the result was a sharp warning. He called at Fish's office about some routine matter: ³²

He was about to leave, and I request him to remain a moment, remarking that little birds are flying about and singing little stories into people's ears. He replies, "Ah, yes, those little birds!" I add that "the little bird says you have been making yourself unnecessarily occupied with the affairs between this country and Great Britain in connection with the Commission about to assemble, and the owl says that 'perhaps it may be well to observe a little more caution.'" He protests that he has spoken with only two persons on the subject; one of these was Thornton yesterday; the other Sumner on Saturday. (He forgets that he talked with me and I have heard of a number of others to whom he has spoken; it was on Saturday Thornton told me he was talking all about town.) I replied that prior to Saturday I had been told of his frequent conversations on the subject in the streets, in salons, and elsewhere, and the account of these remarks had reached the President prior to Saturday and caused him some disquietude; and I deemed it advisable to suggest to him that a little more caution and reticence might be prudent.

He says that Wendell Phillips was present with Sumner during his interview and claims that he told Sumner that it was not becoming a man of his calibre to resist a negotiation merely from personal hostility to the Administration. He says, "It is true I told him that I feared the negotiation would not result as successfully as I hoped it might." (He told me, "Oh, you will have everything you want. Lord de Grey comes out with Canada in his pocket to ask you to accept it.")

I suggest to him that Sumner and Phillips are two of the most bitter enemies of the President. . . . He is told that there can be no objection to his visiting whom he pleases, but what I desired was to intimate to him that the President was disturbed by the rumors which reach him of his interference and conversations about the relations of this government with Great Britain, and of the coming convention, and that it may be prudent to observe a little more caution.

Any man of prudence would have profited by this monition, but Catacazy could cease to plot as easily as he ceased to breathe. Within a week Fish learned that he had supplied the Washington correspondent of the Cincinnati *Commercial* with a venomous article under the heading: ³³ "Reported Trouble Between President Grant and the Russian Minister." In this Catacazy informed the world that some of

³² Diary, February 20, 1871.

³³ Diary, February 26, 1871.

Grant's entourage, notably Louis Dent, had a financial interest in pushing the Perkins Claim, and that he was valiantly defending his country against it. The Secretary called him in to ask about the article. "When I began reading it, he said, 'Oh, yes.' When I finished reading it, he protested that he had never seen it and knew nothing of it." But lying never troubled the "pestilent, intriguing, meddlesome" Catacazy, as Fish called him in a letter to Washburne. He was now inspiring publications in the *World* and other newspapers as part of a veritable campaign against Grant. At the same time he tried clumsily to cover his tracks, as another entry shows:

April 29, 1871.—. . . Dining at the President's [a dinner to the diplomatic corps]; Catacazy tells me that a Mr. E. A. Portois or some such name had recently called on him, and representing himself as connected with some newspaper, said he wished to learn what there was about the connection of persons high in the government with the Perkins Claims and their interest in the claim, and that he, Catacazy, disclaimed any knowledge and refused to converse with him. That when he was in New York lately the same person called upon Baron Osten Sacken . . . [and] said that Peshine Smith [former counsel to the State Department] had been given an interest in the claim, etc. The upshot of the story is, as Catacazy wants me to believe and he asserts, that this man is employed by Stewart and Tasistro to endeavor to entrap him into a conversation for the purpose of making charges against him, of criminating parties connected with the government and thus involving him in difficulties. This looks to me like a very shallow cover of another of Catacazy's movements.

Fish quietly gathered affidavits upon Catacazy's authorship of articles abusing the President. He paid the Marquis de Chambrun, of the French Legation, for procuring testimony with regard to dispatches from St. Petersburg forged by Catacazy. Grant, with characteristic abruptness, told the Cabinet on June 16, 1871, that he wished to dismiss the Minister at once. But Fish pointed out that this would offend the Russian Government, and that the proper course was to ask St. Petersburg to withdraw him. Already he had written Curtin that both governments would profit if Russia replaced Catacazy, and on June 19 he sent a more explicit request. But the Minister exhausted every means to hang on to his post. Among the dispatches which he forged were some from his government approving his diplomatic conduct, which he brazenly showed to other members of the diplomatic corps! He still invented Munchausen conversations with Grant:

October 9, 1871.—. . . I read to the President Curtin's No. 120, September 10, St. Petersburg. When I read the passage giving Catacazy's dispatch detailing his visit to the President at Long Branch after his interview with me on 16th August, the President interrupted my reading, saying, "That is a lie from beginning to end, every word of it." When I had finished reading the dispatch, he expressed a regret that he had not dismissed Catacazy "immediately without asking his recall."

There seemed few limits to his impudence. Once in talking with Fish he had the effrontery to say, "I fear I do not possess the confidence or respect of the Secretary." Fish was significantly silent.³⁴

In the end Catacazy had to go. The Grand Duke Alexis of Russia arrived in the fall of 1871 for a tour of our principal cities and a buffalo hunt in the Far West. Grant and Fish made it plain that while Catacazy was still nominally Minister, he was tolerated only for the purpose of attending the Grand Duke, and was not to receive diplomatic honors. Army and Navy officers were instructed to offer him no salutes except in company with the Grand Duke. Moreover, Fish informed the legation that if he used the Western tour to renew his intrigues he would be dismissed. The Russian Government grasped the situation, and Catacazy was overtaken in St. Louis by peremptory orders to return home. The Secretary's last communication to him was word that he had better get out as peaceably and quietly as possible. This was in an interview with the Russian chargé, Valerien de Schirkov, which throws an interesting light upon Fish's firmness of temper when once aroused: ³⁵

I add that information has reached me that Catacazy has threatened legal proceedings against Mr. Adams [the *World* correspondent] and has been annoying him by interrogatories, and has employed a lawyer (W. E. Chandler) who has advised Adams to engage counsel, etc., etc. . . . That if Catacazy resorts to the courts, or threatens citizens of the United States with legal proceedings, it will be a waiver of his diplomatic privilege of extraterritoriality, and I shall be forced to consider whether I shall not immediately terminate his immunities and allow any citizens who have been aggrieved by him, or who have claims against him, to bring him before the courts before he may leave the country.

He says he thinks there is some mistake and that Catacazy has no idea of instituting a suit; that he wishes to obtain evidence for his justification in St. Petersburg; that after his return there he may institute proceedings; and that then those who have claims against him may sue him there where he

³⁴ Diary.

³⁵ Diary, January 5, 1872.

will have no immunities.

I reply that that will not do; if he has any such intention, the suits by American citizens must be brought here. I will not have it understood that he is to begin a suit against one of our citizens and force those who have claims against him to go to Russia for their remedy. . . . I desire therefore to be informed either by note or orally, but officially, if Catacazy intends to bring any suits in this country or is preparing to bring one after his return to Russia, against any American citizen in this country. . . . I desire a reply today.

Later in the day (2 P. M.) Schirkov again calls. Says the whole thing is a misapprehension; that Catacazy has had no intention of instituting any legal proceedings either now or after his return to Russia.

III

Another of Fish's summer tasks was to help the President choose the American Arbitrator at Geneva, and the Agent or manager of the American case. The latter was easily found. Fish suggested Bancroft Davis, and Grant immediately assented. But the selection of an Arbitrator proved highly troublesome. Fish proposed Charles Francis Adams, but Grant demurred. A number of other names were then discussed in Cabinet and rejected for various reasons: William Cullen Bryant, because he was too old and politically opposed to the President; William Beach Lawrence (Fish's former law partner), because a Democrat; Edwards Pierrepont, because he did not speak French and knew little international law; William M. Evarts, because Grant disliked him; and Caleb Cushing, because busy elsewhere. Fish emphasized the importance of a fully equipped representative. Long study and training in international law were required; England, Italy, Switzerland and Brazil would send their ablest experts; few Americans save Adams or Lawrence had given careful study to such questions as would arise. After listening to these injunctions, Grant expressed willingness to name Morton McMichael—a Philadelphia journalist who knew practically no law of any kind! ³⁶

Fish's preference was strongly for Charles Francis Adams, but the independent New Englander met hostility from Grant and warm opposition from Boutwell and Creswell. In their second discussion of the question the President thought that Schenck would do, though he also knew no international law whatever. Creswell chimed in. "Yes, why go

³⁶ Diary, June–September, 1871.

out of the Commission?" But Fish pointed out that Schenck still had a legal connection with Jay Cooke's Northern Pacific Railroad which might interrupt his work, while it would be improper for him or Hoar to take a position which they had helped create. William M. Meredith, a Pennsylvania attorney who had been Secretary of the Treasury under Zachary Taylor, was suggested; but he was seventy-two, and it was learned that his health would not permit. At the third discussion, June 15, 1871, Grant made a horrifying suggestion. Fish writes: ³⁷

President returned this morning from Long Branch. Creswell with him when I went in. Referring to the Arbitrator . . . he asked what information I obtained as to Mr. Meredith, and was told what Mr. Boker had told me; also what he had subsequently written. President remarks that he thinks he is too old, that he has a man who he thinks has most of the qualifications needed, and names O. P. Morton, to which I object most strenuously, saying that I do not think he is in any way competent for the place. Subsequently, after Creswell had left the room, I spoke more strongly; referred to his unpopularity with his colleagues in the Senate and their want of confidence in him; mentioned what Chandler, Carpenter, Conkling, and Frelinghuysen had said; alluded to his reputation for looseness of morals, and that the public had no confidence in him, many persons did not believe him honest; that he does not speak French, and would be entirely without influence on the Board. That the President has much dependent on this Board, as his treaty would be judged in a large degree by its decision, and that we needed the ablest and most efficient man in the country, one who had both national and foreign reputation, and therefore it was that I was willing to disregard all questions of politics and appoint Charles Francis Adams; he objects decidedly to Adams, would rather appoint an out-and-out Democrat. Richard H. Dana's name being mentioned, he says he would much prefer him.

He says that Senator Harlan had suggested W. B. Allison as Agent under the Twelfth Article (Claims) of the British Treaty. Harlan thinks he will be reelected to the Senate without much trouble, but that Allison is the only man likely to be in his way.

Persistently Fish returned to the name of Adams, and finally Grant gave way. The nomination was received with enthusiasm. Adams, who had just refused the presidency of Harvard, had reputation, experience, learning, energy—everything. He knew the history of the cruisers at first hand; a friend of Argyll, Gladstone, Forster, Bright, he knew how to deal with Englishmen; direct, judicious, he knew when to be firm and when moderate. At the crisis of the Geneva Arbitration, he

³⁷ Diary.

was destined to save it from disaster. As James Ford Rhodes has observed, he was the hero of the Tribunal, and in insisting upon him when Creswell declared that even Thomas A. Hendricks would be preferable, Fish again showed his acute judgment of men.

During the summer Bancroft Davis, with some aid from Fish, prepared the American Case, and in November left the State Department to sail for Geneva. Meanwhile the counsel had been chosen. The first man to be selected was Caleb Cushing. Grant said on September 1st that he would "under no circumstances" appoint William M. Evarts, and asked Fish to offer the second place to William M. Meredith. The latter at first accepted, but soon quailed at the prospect of a voyage to Europe, and on October 17 resigned; whereupon Fish induced the President to invite both Benjamin R. Curtis and Evarts to serve. Curtis declined; but Evarts gladly took the appointment.

Unfortunately, he signalized this acceptance by a piece of gross carelessness. "He goes to see the President," ruefully chronicles the Secretary,³⁸ "and on the way drops in the street the printed copy of the Case which I had handed to him." Search was in vain; for the finder took it to the British Legation and there sold it for a round price. Evarts was later rallied as "the counsel who lost his case before he opened it!"³⁹ A third counsel was not necessary, but Davis wanted one. Secretary Delano therefore proposed to the Cabinet a fellow-Ohioan of whom the others had never heard—"a Mr. Waite of Toledo, who, he says, is the equal of any man in the country as a lawyer." Thus we find the next Chief Justice of the United States mentioned in Fish's diary! A few days later Grant asked Fish to offer Waite the post. On the British side, Lord Tenterden was to be Agent, and Sir Roundell Palmer and Mountague Bernard counsel.

IV

With the preliminaries of the arbitration complete, with the United States represented by five men of preëminent ability—Adams, Bancroft Davis, Cushing, Waite, and Evarts—and with our foreign affairs in a thoroughly happy state, the Secretary could resign without a qualm. On November 14, 1871, the President again urged him to remain until March 4, 1873. Fish replied that he wished to retire soon after the be-

³⁸ Diary.

³⁹ Hackett, *Reminiscences of the Geneva Tribunal*, 105.

ginning of December.⁴⁰ He wrote the section on foreign affairs for the President's annual message, which Grant promised to use with few if any changes. He drafted instructions to the counsel at Geneva, which the Cabinet approved without modification. He cleared his desk. Then, as the Cabinet meeting of December 5 closed, he handed Grant his written resignation.

The result was such a demonstration of protest as has seldom occurred in the history of the Cabinet. Grant expressed the deepest sorrow. As Secretary Fish walked out of the room, Robeson, who had guessed at the contents of the paper, intercepted him, crying: "Are you going to leave us?" Fish said he was. "Well," ejaculated Robeson, "all I have to say is it is a crime. I repeat, it is a crime."⁴¹ The evening before, Roscoe Conkling had come to Fish and urgently remonstrated. He deprecated any change in the Cabinet, and feared especially that Edwards Pierrepont would be chosen; a fear which Fish shared, for in resigning he requested Grant not to appoint Pierrepont. The day after his resignation, the Secretary received a paper signed by the Vice-President and forty-four Senators of the United States:⁴²

Senate Chamber
Dec. 6, 1871.

Hon. Hamilton Fish,
Sec'y of State.

The rumor which now assumes probability, that you contemplate laying aside your important official relations to the Government, causes us much regret, and includes us as friends of both yourself and the Administration and as those who at all times should look after the welfare of the country, to express the earnest wish, which we know the President also entertains, that you will not resign the Secretaryship of State.

We are aware that there may be personal and domestic reasons why you desire to retire to private life—but the eminent success which has attended the foreign relations of the country under your administration, the threatening complications which have been avoided but may again be renewed, the unfinished condition of most important measures which you have shared in inaugurating and with the spirit and details which you are entirely familiar, the harmony that exists between both the legislative and executive branches of the Government and yourself, and the peril that comes to the party with which we believe the best interests of the nation are identified by so important a change at this time in the cabinet, are considerations that lead us to deprecate your resignation and to urge your retaining the post. We know that one having no over-weening egotism, may, by the belief that others can as well perform

⁴⁰ Diary, November 14, 1871. ⁴¹ Diary, December 5, 1871. ⁴² Copy in Fish Papers.



CHARLES FRANCIS ADAMS

the service, avoid what would otherwise be recognized as the claim of duty,—permit us to suggest that we, while sharing your interest in the welfare of the country, are much more impartial in our estimate of the importance of your retaining, if not at too great a sacrifice, your present position.

Knowing that whatever may be your conclusion you will appreciate our motives in thus addressing you, we are,

With much respect,
Your friends.

On that day, too, President Grant made a final plea to the Secretary to remain. Fish had business which carried him to the White House, and Grant referred sorrowfully to his resignation. He said that he knew he had promised not to urge the Secretary's continuance; that he had meant to adhere to his pledge, but he found himself heavily stricken by the loss, and did not know where to turn. He spoke in the highest terms of Fish's work, and referred feelingly to the completeness with which he had gained the confidence of both branches of Congress and of the American people.⁴³

Fish was manifestly moved. He had made all his domestic arrangements for departure, he said, and he did not see how he could now alter them. But Grant saw that he was shaken, and followed up his plea by saying that he could arrange any changes in the Department, any improvements, any additions to the staff, which Fish desired; for Senators had told him that Congress would do anything the Secretary wished. That evening Schurz called at Fish's house. Though he was not one of the forty-four signers of the Senatorial paper, he said that he had now come to make a personal and fervent plea that Fish remain.⁴⁴

Day after day this pressure was maintained. Cabinet members, Senators, Representatives, and Ministers urged the Secretary to reconsider, while letters poured in upon him. It was too much for a man of Fish's strong sense of public duty. He was especially impressed by the arguments that an essential part of his work remained unfinished, and that his resignation would weaken the Administration in the next election. The Liberal Republican revolt was gaining strength; executive committees for the new party had been formed in Ohio and Missouri, while important newspapers—Greeley's *Tribune*, Horace White's *Chicago Tribune*, Samuel Bowles' *Springfield Republican*, Bryant's *Evening Post*, Murat Halstead's *Cincinnati Commercial*—were applauding the

⁴³ Diary, December 7, 1871.

⁴⁴ *Ibid.*

movement. He knew also that while the Administration had begun the year 1871 sunk in discredit, it was closing it with heightened reputation, and that this due entirely to his own success in the British negotiation. If he resigned, how much strength would the Administration retain in liberal eyes? And after all, he had grown to enjoy the work of his office.

By December 20, 1871, he had resolved to stay with Grant until the end of his first term. The President called that day. "I tell him," writes Fish in his diary, "that in view of the urgent requests made to remain in office, and his own warmly expressed wish that I do so, I have determined to continue in the Department of State." Grant's gratitude was touching. "I cannot express to you what a gratification this affords," he exclaimed. "I simply could not fill your place." He spoke again of the brilliant success of Fish's policies and the importance of their continuance. "You have afforded me a great relief," he concluded, "and I am sure that every member of the Cabinet and of your friends in Congress and the country will be delighted with your decision."

These words were echoed by the press. Fish felt a pang as he gave up the hope of returning to his bright fireside in New York, where his children might be constantly beside him. But he was deeply gratified as he read the tributes which came from all parts of the country. He had labored unweariedly in his two and a half years in the old Orphan Asylum, and had endured much misunderstanding and abuse; but at last the country was recognizing his qualities.

The *Chicago Tribune* was one of the harshest critics of the Administration. But it remarked editorially that Fish had achieved a place with the greatest of his predecessors—with John Quincy Adams, Daniel Webster, and William H. Seward. "It is to his statesmanship, principally," it declared, "that we are indebted for the practical settlement of the *Alabama* Claims against Great Britain and the counterclaims of that power against us, as well as of the supplementary question of the fisheries, through the medium of the Washington Treaty, questions which more than once have come near involving the two countries in war. His diplomacy has been a protecting shield to American citizens in Cuba during the revolution against Spain, and whatever troubles have arisen between the two countries have grown out of the fact that some Spaniards became American citizens simply to claim the protection of the American flag—a trouble which could not have been avoided

under the existing circumstances, and the almost utter confusion and anarchy which have prevailed and still prevail in that island. Under all circumstances which have required political sagacity, skilful diplomacy, and broad, comprehensive statesmanship, Secretary Fish has always been equal to the emergency, and, whether he shall resign his post or not, has deserved well of his country."

IN bitterly cold weather Bancroft Davis travelled from Paris to the initial meeting of the five Arbitrators in Geneva on December 15, 1871, where the Agents were to distribute copies of the Cases of America and Great Britain, with the evidence. He occupied a compartment with one of the Arbitrators, Baron d'Itajuba, the Brazilian Minister to France. Long afterward he remembered how they shivered together, and how at the stations the little tropic-loving Brazilian, in fur coat and furlined leggings, paced rapidly up and down the platform to get warm.

The cordial meeting of the Arbitrators and Agents offered a hopeful augury of the future. Count Sclopis of Italy seemed to surpass his colleagues in learning and in reputation as jurist and author; his books, especially the *History of Italian Legislation*, and *On the Judicial Power*, were authoritative. Tall, broadshouldered, courteous, and decisive, he sustained in personal intercourse, though well past seventy, the leadership his writings and offices had given him.¹ According to precedent, M. Jacques Staempfli, representing the country in which the arbitrators met, should have been presiding officer; but Count Sclopis' fame and his knowledge of English made him the unanimous choice. After the exchange of documents, protocols were drawn up by the secretaries. As the group sat waiting, Sir Alexander Cockburn launched into a history of the Tichborne Claimant, whose lawsuit had just been defeated. He had a gift for picturesque narrative, and, his mother having been a Frenchwoman, spoke French to perfection. His hearers sat entranced while the sun sank and twilight thickened, awakening to find it dark. Before the sittings broke up, Cockburn and Bancroft Davis gave a joint dinner to the arbitrators. They all parted in amity, and with golden hopes; ² the Tribunal having decided that the Counter-Cases should be submitted on or before April 15, 1872, and that it should sit again on June 15.

But within six weeks these golden hopes had come to wreck upon

¹ Bancroft Davis, *Fish and the Alabama Claims*, 84, 85. Sir Alexander Cockburn probably had more legal learning and a quicker mind than the other Arbitrators. Now almost seventy, he had been Solicitor-General, Attorney-General, and Lord Chief Justice of England. Charles Francis Adams was his peer in stubborn ability. Staempfli and d'Itajuba were the weakest of the five Arbitrators.

² *Ibid.*, 89.

the grim promontory which had so long vexed Anglo-American relations, the indirect claims. The American Case, 480 pages long, was sent to the Foreign Office for study. As prepared by Bancroft Davis, it was far from a statesmanlike document; at points its tone was litigious rather than legal, and went beyond sound pleading to special pleading. Charles Francis Adams, Jr., later wrote³ that its arguments "were advanced with an aggressiveness of tone and attorney-like smartness more appropriate to the wranglings of a quarter-sessions court than to pleadings before a great international tribunal"; Sir Roundell Palmer, the British attorney, that "its tone was acrimonious, totally wanting in international courtesy." Brusque contentiousness was especially evident in the first chapter, "The Unfriendly Course Pursued by Great Britain," which contained much that was inaccurate and more that was irrelevant. It boldly revived the discussion of the proclamation of neutrality, declaring that the British Government "was actuated at that time by a conscious unfriendly purpose toward the United States." Historians have proved that no unfriendly intent existed, and that the proclamation was to the advantage of the United States.

But the unhappiest feature of the Case appeared at its close.⁴ Here, under the heading, "The Tribunal Should Award a Sum in Gross to the United States," Davis enumerated the national or indirect claims in four divisions. They were for the pursuit and destruction of the cruisers; insurance costs; losses in the transfer of tonnage to the British flag; and "the prolongation of the war, and the addition of a large sum to the cost of the war and the suppression of the rebellion." Under this last claim, the Case placed on Great Britain all the costs of the war after the battle of Gettysburg, and asked the Tribunal to decide whether she ought not to pay them with 7 per cent interest! In principle, this followed a line taken by the American Government in three successive Administrations. But Bancroft Davis now out-Sumnered Sumner by translating the general principle into wildly exaggerated estimates, addressed not to an American audience but to a grave international tribunal.

This was both needless and unfortunate. Whatever we may say of the first three classes of indirect claims, those for pursuit, insurance, and transfer of tonnage, the fourth, that for prolongation of the war,

³ C. F. Adams, Jr., *Lee at Appomattox*.

⁴ *Case of the United States Before the Geneva Tribunal*.

should have been included only in cursory terms and as a general make-weight. Care was the more necessary because de Grey had explicitly told Fish that he was not authorized to discuss the indirect claims, and that British opinion would not tolerate them. Both Davis and Fish knew that the "prolongation" claim had become a mere shadow. Its only real utility now was in impressing England with the American conviction that the wrong done the North went far beyond the destruction of a little maritime property. It should have been mentioned (and merely mentioned) not because of any true belief in the legality of such a tremendous demand, but first, simply as indicating the scope of American resentment, and second, in order to get rid of it once and for all. Care in statement would have been necessary, but diplomatists are supposed to be skilled in phrasing. By its mention, the criticisms of the Sumners and Ben Butlers would have been forestalled; while its definite rejection by the Tribunal would serve as an estoppel against similar claims in connection with any future war anywhere in the world. If the issue were left unsettled, it would haunt any nation which played the rôle of imperfect neutral in future conflicts, and the United States was usually a neutral in Old World quarrels. But to make an emphatic claim for all the costs of the war from Gettysburg to Appomattox, with 7 per cent interest, was absurd. It was worse—in view of British sentiment, it was dangerous to the arbitration.

Why was it done? Bancroft Davis, writing under intense pressure for time, prepared the last pages of the Case hurriedly. Although William Beach Lawrence and President Woolsey of Yale read the first five chapters, they did not see the last. Haste of composition and inadequate reflection upon possible consequences may have been partially responsible for the inclusion. Yet the action was deliberate. At a later date Thornton had a confidential statement from Fish on the matter.⁵ Fish told him that as Davis drew up the Case, he had seen it page by page, frequently making alterations and additions. When they came to the indirect claims, Davis had expressed doubt whether they should be inserted. They discussed the question, and finally decided they could not be omitted. If omitted, "there would have been an outcry from the people of the United States and from the majority of the Senators and Representatives, and . . . it would have been impossible to have passed the laws necessary to carry into effect the provisions of the

⁵ PRO, FO 115, 539 ff. Thornton to Granville, confidential, No. 96; February 7, 1872.

treaty." Fear of the Senate—there lay the main reason. Public sentiment is not merely a great fact in international negotiations; it is the basic and all-important fact. Davis and Fish believed that too much national sentiment was bound up in this "prolongation" claim to permit its relinquishment.

Yet Fish pointed out to Thornton that in asking the Tribunal to award the final war costs, the United States placed this demand (see the close of the Case) upon grounds of "equity" alone. "I myself," he said,⁶ "wrote that passage and inserted the words *in equity* to show that I did not consider that there was any right *in law* to make such claims." The Secretary also confessed that Evarts had come to him and said he did not know how to deal with the indirect claims, inasmuch as they could not be supported before a court of law. Fish had told Evarts that he was aware the claims had no legal basis, and he need not say much about them; but added as a joke that Evarts might use them in his peroration "as bars on which the spread eagle might perch." No doubt Fish sincerely believed that British acts had prolonged the war, but he never believed that money could be collected on that account. If he and Davis had but phrased these pages more moderately and adroitly—if they had but made it clear that the indirect claims went in for the peroration and the spread eagle alone, much worry might have been saved. True, there was always the vigilant and tyrannical Senate; but could not bold tact have found a way?

I

How would the British take this revival of the indirect claims? The answer was not long in coming.

On December 15, 1871, a messenger left Geneva carrying the American Case posthaste to London. It was soon reprinted there, while additional copies arrived from America. Cabinet Ministers and editors had an early opportunity to study it.

The result was two waves of protest. The first was rather casual. On December 28 the Whig *Morning Post* carried an angry comment: "The extravagant nature of the demands is the best evidence that the Arbitrators . . . will refuse to entertain them." The *Daily Telegraph*, a Government organ, discounted the claims as "irrelevant matter,"

⁶ *Ibid.*

saying that Grant's Administration would not really fall back upon Sumnerism. The *Daily News* also scouted the claims as included for American electioneering purposes, and certain not to be taken seriously by the Tribunal. The essence of this first wave of protest was that the indirect claims were an outrage, but that England would arbitrate none the less.

Not so with the second wave. Its essence was that the claims were such an utter outrage that England must think twice before arbitrating. The second movement was initiated by an editorial in the *London Times* of January 2, treating their inclusion far more seriously. The *Leading Journal* pointed out that the object of the American Case was to make England responsible first for the direct losses, and next for the indirect losses. Assuming that the United States did not intend to press the latter claims literally, and try to exact an indemnity "almost rivalling in amount that which Prince Bismarck extorted from the French," still England could not risk a judgment by default. "The safest, as well as the most dignified course," the *Times* argued, "is therefore to stand upon what we conceive to be sound legal principles, and to demur to any such claim for indirect damage . . . and to refuse to recognize liability for any such indirect and remote consequences."

The Foreign Office, scenting danger to the arbitration, immediately tried to pacify the *Times*. It sent the editor, Delane, the only copy of the British Case given to the press. On January 4 another editorial took more moderate ground; it declared that "there is no solid ground for the anticipations of disaster which have been abroad for the last day or two." But the damage had been done. The spark from the *Times* caught the mass of tinder existing in the widespread British dislike and resentment (especially among the upper classes) of the Treaty.

The *Morning Advertiser* of January 4, 1872, demanded whether it were really true that "imbeciles and fools" had so mismanaged the negotiations as to put it in the Tribunal's power "even by possibility to award our national degradation and financial ruin." Other journals, led by opposition papers, swelled the outcry to an excited clamor. The *Times* soon returned to the attack. As a whole, the press expressed as much surprise as indignation. Englishmen had been assured by their leaders that the indirect claims had been abandoned. Yet a close examination showed that neither the Treaty nor the Protocols absolutely

ruled them out. These documents appeared capable of bearing the American interpretation. As a result, Britain might ultimately find herself faced with an award which she simply could not pay. The *Pall Mall Gazette* on January 29, noting the public excitement, predicted that unless the Government cut off these claims immediately, England would cut off the Government. The *Standard* argued that Great Britain should never submit the claims at Geneva, for this would admit a liability which was unanimously denied. The *Daily News* was also against admitting claims which Englishmen would certainly repudiate. The Manchester *Guardian* declared that such unjustifiable tactics as the United States was employing would discredit the whole principle of arbitration.

And what of the Ministry? Most of its members were taken by surprise. Gladstone himself was one. When Lord Tenterden came back from Geneva he had sent the Prime Minister a copy of the American Case, with a warning notation that the claims, "swelled in every possible way," resulted in a *prima facie* claim for four and a half millions sterling. Gladstone apparently never read the Case. He marked it "keep for use," and leaving it in his Downing Street office, departed for Christmas at Hawarden. Parliament did not open till February. During January he spent much of the month at Hawarden; Granville, crippled with gout, was secluded at Walmer. For at least part of the month Forster was the only Minister in London to answer a summons from the Queen.⁷ Until all but too late, Gladstone simply did not awaken to the situation.

The Ministry seems to have hoped that the disturbance might soon die down and public opinion direct itself toward some less explosive topic. But instead of subsiding it increased and found more weighty spokesmen. Lord Westbury wrote Granville on January 7, urging him to refuse to treat the indirect claims as open for discussion at Geneva.⁸ Sir Roundell Palmer partially endorsed this opinion in an indignant though cautious letter to Granville on the 10th. Few Englishmen, he declared, would ever have consented to arbitration had such pretensions been foreseen. It was utterly unreasonable to ask Great Britain to submit claims aggregating perhaps "several hundred millions of sterling"

⁷ Morley's *Gladstone*; Reid's *Life of Forster*; cf. Gladstone's statement in Parliament February 6, 1872, Hansard CCIX, 84 ff.

⁸ Roundell Palmer, Earl of Selborne, *Memorials Personal and Political*, II, 230 ff.; Henry Reeve, *Memoirs*, II, 294 ff.; Nash, *Life of Lord Westbury*.

to the decision of "a Swiss, a Brazilian, and an Italian lawyer—if lawyers even they be." The Americans were trying to found "enormous and intolerable" demands upon what seemed an improper broadening of the treaty's terms. He thought that the Ministry should ask the Law Officers for an opinion.

In the last few days before Parliament met at the beginning of February, 1872, a veritable wave of national hysteria broke upon Westminster.⁹ [Business interests, editors, politicians, and finally members of the Ministry itself joined in the indignant outcry.] If Fish and Bancroft Davis had put in the indirect claims *pro forma*, as lawyers usually overstate any writ for damages or claim for insurance, why had they not made this clear? Many Englishmen believed that the Americans seriously wished to collect all the costs of the war after Gettysburg. Lord Granville himself shortly computed¹⁰ that with 7 per cent interest the sum might reach \$4,500,000,000—"an incredible demand." Prussia's recent exaction of a billion-dollar indemnity from France had made a painful impression upon all Europe; and the British public, when told that America was trying to submit to a panel of foreigners a claim which might prove absolutely ruinous to the nation, felt outraged. After the Cabinet meeting on January 30, Gladstone wrote the Queen that the American Case, along with a mass of "irrelevant and exasperating" matter, presented claims and pretensions "such as it is wholly incompatible with national honour to admit or to plead to before a Tribunal of Arbitration." Victoria replied¹¹ that she could well understand "that the Commissioners thought they were treating with gentlemen actuated by honourable feelings, and did not suspect that a trap was being laid for them."

II

To Grant and Fish, the British panic seemed totally artificial and unjustifiable.¹² The outburst fell upon them as a complete surprise, for they had supposed that nothing could disturb the fair understanding

⁹ Disraeli wrote Lord Cairns on January 27, 1872: "Affairs are most critical and anxious. All is absorbed in the *Alabama* question. Hayward told Exmouth yesterday that unless they withdraw from the arbitration, the Cabinet must break up. Would that they could withdraw. But can they? After having advised their Sovereign to ratify—and in such haste!" Buckle's *Disraeli*, V, 178.

¹⁰ Granville to Schenck, March 30, 1872; copy in Fish Papers.

¹¹ Buckle, *Letters of Queen Victoria*, 2d Series, II, 187, 188.

¹² Cf. Cushing's caustic comments on the contrast between the initial British silence and the subsequent uproar; *Treaty of Washington*, 42, 43.

embodied in the Treaty.¹³ Fish's correspondence with de Grey had manifested the most cordial friendliness; for example, he had written just after New Year's: ¹⁴

My Christmas dinner (which I enjoyed in New York) was graced with a kind token from Studley Royal for which I should sooner have returned my thanks. The birds were magnificent and in fine order, and as they came on the table with head and tail erect, looked as though they were about to crow A-la-ba-ma. . . .

Schenck occasionally gives me word of you. You and your genial and generous hospitality are much missed. Friends constantly inquire after you and Sir Stafford. . . .

Davis telegraphs that he and Lord Tenterden have exchanged their Cases and are at work on the same "old story." I have just now received a copy of the British Case, but have not had time to examine it carefully; if size and bulk determine the question, you will beat us, but we shall accept and abide by the result, be it what it may.

The Secretary's first warning that the Treaty was in grave danger arrived on February 3. On entering his office that Saturday morning, he was handed a cablegram from Schenck. It notified him that British indignation was increasing, that the Ministry did not consider the indirect claims within the intent of the treaty, and that the press was urging the government to withdraw from the arbitration if they were not given up. Fish cabled Schenck a firm answer: ¹⁵ "There must be no withdrawal of any part of the claims presented. Counsel will argue the Case as prepared unless they show to this government reason for a change. The alarm you speak of does not reach us. We are perfectly calm and intend to await the award, and do not anticipate repudiation of the Treaty by the other side." That afternoon Thornton called in great anxiety. Lord Granville had instructed him to inform Fish that the Ministry—as it had told Schenck in a friendly note—regarded the indirect claims as quite outside the terms of the Treaty.

"Well," said Fish, indignantly,¹⁶ "then is all our work of last year to go for nothing?" Thornton replied that he hoped not. "At any rate," declared Fish, with great emphasis, "we can never withdraw any part of the claims. We are content to let the Tribunal pass upon the in-

¹³ New York *Nation*, January 25, February 8, shows that the American press did not grasp the sudden British outburst until the latter date.

¹⁴ Fish to Ripon, January 6, 1872; Fish Papers.

¹⁵ Fish to Schenck, February 3, 1872; Letterbooks.

¹⁶ Fish Diary, February 3, 1872.

direct claims and if it rejects them we shall make no complaint; but we will never allow Great Britain or any other Power to dictate what form our Case shall take or what claims we shall advance."

But Fish's firmness met an ironclad British determination. It was now a truly national feeling; there was doubtless some party politics in it (Disraeli had disliked the Treaty, though Sir Stafford Northcote's part in writing it prevented him from attacking it) but not much. It was a Whig, Earl Russell, who assailed Gladstone most vehemently and announced a resolution for British withdrawal at Geneva. Many of the strongest attacks came from the Liberals themselves. Disraeli does not seem to have wished to turn Gladstone out, and Delane, the editor of the *Times*, wrote: "I suppose the Ministry must stay until the *Alabama* Claims are settled." The British refusal to submit to the indirect claims gained confidence from the fact that the Franco-Prussian War and Black Sea question were now disposed of; it gained strength from the fact that the treaty had never really been popular in England. While Englishmen had accepted the treaty as a mode of escape from a very difficult position, they had never deemed it a pleasant escape. But at bottom the attack on the Case represented a genuine national alarm, and it enlisted some of the finest figures in British public life. At first three members of the Cabinet, Granville, de Grey, and W. E. Forster, were for protesting but nevertheless letting all the claims go to arbitration. But Goschen, Hartington, Halifax, Howe, and Cardwell were all for breaking off and taking a stern attitude—an attitude which would please public sentiment and add to the political strength of the Ministry.¹⁷

Gladstone, who had the deciding vote, was at first for going on with the arbitration. He wrote Granville from Hawarden on January 14¹⁸ that "I very decidedly agree with you that we ought not to go out of the line of proceeding laid down in the *Alabama* Code"; that Bancroft Davis's "bunkum and . . . trash might be handled in some degree as 'Americanism' due to want of knowledge of the world of European manners." But as he appreciated the boiling British indignation he quickly changed his course. His letter to the Queen on January 30 indicated that he was more and more disinclined to proceed at Geneva. A few days later he let off steam even more violently. He wrote the

¹⁷ Reid's *Forster*; Morley's *Gladstone*; Reeve, *Memoirs*, etc.

¹⁸ Gladstone Papers; copy supplied the author by Mrs. H. W. Wells.

Queen: "Even bearing in mind the proceeding of Prince Gortschakoff in the autumn of 1870, Mr. Gladstone is constrained to say that the conduct of the American Government in this affair is the most disreputable he has ever known in his recollection of diplomacy." By that date he had made up his mind against the view of Granville and Forster. On February 2 he swayed the Cabinet to approve a note of the sternest protest to the American Government—a note that Fish was soon reading with indignation: ¹⁹

Her Majesty's Government hold that it is not within the province of the Tribunal of Arbitration at Geneva to decide upon the claims for indirect losses and injuries put forward in the Case of the United States, including the loss in the transfer of the American commercial marine to the British flag, the enhanced payments of insurance, and the prolongation of the war, and the addition of a large sum to the cost of the war and suppression of the rebellion.

The Prime Minister was soon declaring to the House that it was almost "insanity to suppose that any negotiations could intend to admit, in a peaceful arbitration . . . claims which not even the last extremities of war and the lowest depths of misfortune would force a people with a spark of spirit . . . to submit to at the point of death." He estimated that the "war prolongation claim" might come to \$8,000,-000,000! A united nation supported the words which the Ministry put into the Queen's Speech at the opening of Parliament on February 6, 1872: "In the Case so submitted on behalf of the United States, large claims have been included, which are understood on my part not to be within the province of the Arbitrators."

Yet to Fish the British position seemed ridiculously untenable.²⁰ Was there anything in the Treaty that excluded the indirect claims? Not a word; on the contrary, it stated that the Arbitrators should "examine and decide all questions that shall be laid before them" by the two governments. Had any agreement been reached by the High Commission to exclude them? Fish, Hoar, Schenck, Williams, and Nelson all united in saying no.²¹ They held that the Treaty gave the United States liberty to obtain as much as possible from the Arbitrators, and that it was fair to submit anything that might have weight in assessing damages. They deemed this a matter of elementary political necessity:

¹⁹ Copy in Fish Papers.

²⁰ Fish Diary, February 4, 5, 6, 7, 1872.

²¹ Hoar's view of the indirect claims is stated fully in a letter to Fish, June 7, 1872. Fish Papers.

Fish had never believed that a compact which excluded the indirect claims could pass the Senate. Ben Butler was even now fighting tooth and nail in the House against appropriations to carry the Treaty into effect, while Sumner was searching for weapons to encompass the defeat of Grant in 1872. At the same time, our government did not desire a dollar from the indirect claims. Its principal motive for including them was succinctly described by Fish in a letter of April 5 to Bellamy Storer: ²²

I may say to *you*, that I never believed that the Tribunal would award a cent for the "indirect claims"; it is not the interest of the United States, who are habitually neutrals, to have it decided that a neutral is liable for the indirect injuries consequent upon an act of negligence. We have too large an extent of coast and too small a police, and too much of the spirit of bold speculation and adventure, to make the doctrine a safe one for our future. The "indirect claims" had been advanced and had (mainly owing to Great Britain herself) been too prominent in the history of the *Alabama* Claims to be unnoticed. They were therefore presented to the Joint Commission in the opening of the conference, and the British Commissioners never uttered the first word against them; they were set forth in the Protocol, and stand unchallenged as part of the American grievance and are not eliminated by the Treaty.

To have omitted them from the Case would not have been fair to either party; it would have been to not submit a part of the complaint, while the Treaty professed and designed to remove all causes of difference. They would have remained to be brought up at some future day when ill-temper or some momentary excitement might be in search of causes of irritation between the two governments.

It is in the interest of both governments that they be passed upon by the Tribunal, and in the interest of both that the Tribunal decide that a neutral is not liable to pecuniary damages for the indirect consequences of a breach of its neutral obligations resulting not from intentional wrong, but from accident or negligence.

III

At the root of this unhappy controversy, as we have said, lay a misunderstanding which illustrates the dangers of good-natured vagueness in diplomatic negotiations.²³ British members of the High Commission thought that they had disposed of the indirect claims by an expression of regret and an agreement to give *ex post facto* operation to the three

²² Fish to Bellamy Storer, April 5, 1872; Fish Papers.

²³ Nicolson, *Peacemaking*, 207-210.

rules of neutrality. American members believed that the apology was merely an expression of proper contrition, and that neither it nor the three rules touched the claims at all. Neither view could have been given precise expression on paper; public opinion on both sides the Atlantic was too irritable for that. But an *unwritten understanding* could have been put in precise terms. Both groups of negotiators mismanaged their work: the Britons in not obtaining an express understanding upon exclusion of the claims, the Americans in not obtaining the opposite understanding. But manifestly the British were in the worse position, for in the absence of anything to the contrary inclusion would be implied. Granville himself held that the Treaty and Protocols, studied line by line, did not rule out the American claims; so did Lord Westbury; while Lord Coleridge, the Attorney-General, was doubtful. The British press so far agreed as to hold that de Grey had blundered shockingly, and berated the Ministry nearly as ferociously as it did the Americans.²⁴

At first each nation refused to budge; the British press spoke bitterly of trickery, the American press scornfully of bad faith. A debate in Parliament on February 6 brought from Lord Derby a declaration that if the Treaty were abandoned as intolerably ambiguous, the country would give undivided support to the Ministry. Disraeli stated that the Americans were asking for the "tribute of a conquered people"; and Gladstone, so often indiscreet in the heat of debate that his followers trembled to see him rise, even challenged the honesty of the American Government. He rashly asserted the British construction of the Treaty "to be the true and unambiguous meaning of the words, and therefore to be the only meaning admissible, whether tried by grammar, by reason, by policy, or by any other standard." It is not strange that Fish resentfully wrote the owner of the *New York Times* that the Prime Minister had been violent and intemperate.²⁵ Even men friendliest to the North during the war now came out in sharp opposition to the American position; men like John Bright, Thomas Hughes, W. E. Forster, and J. R. Seeley.²⁶

A shrewd letter that Bright sent to Granville soon found its way, through Schenck, to Fish's desk.²⁷ "The whole indirect claim," he

²⁴ See Godkin's excellent analysis, *Nation*, February 8, 1872.

²⁵ Fish to George Jones, February 14, 1872; Fish Papers.

²⁶ Schenck to Fish, March 14, 1872.

²⁷ Bright to Granville, Rochdale, February 14, 1872; Fish Papers.

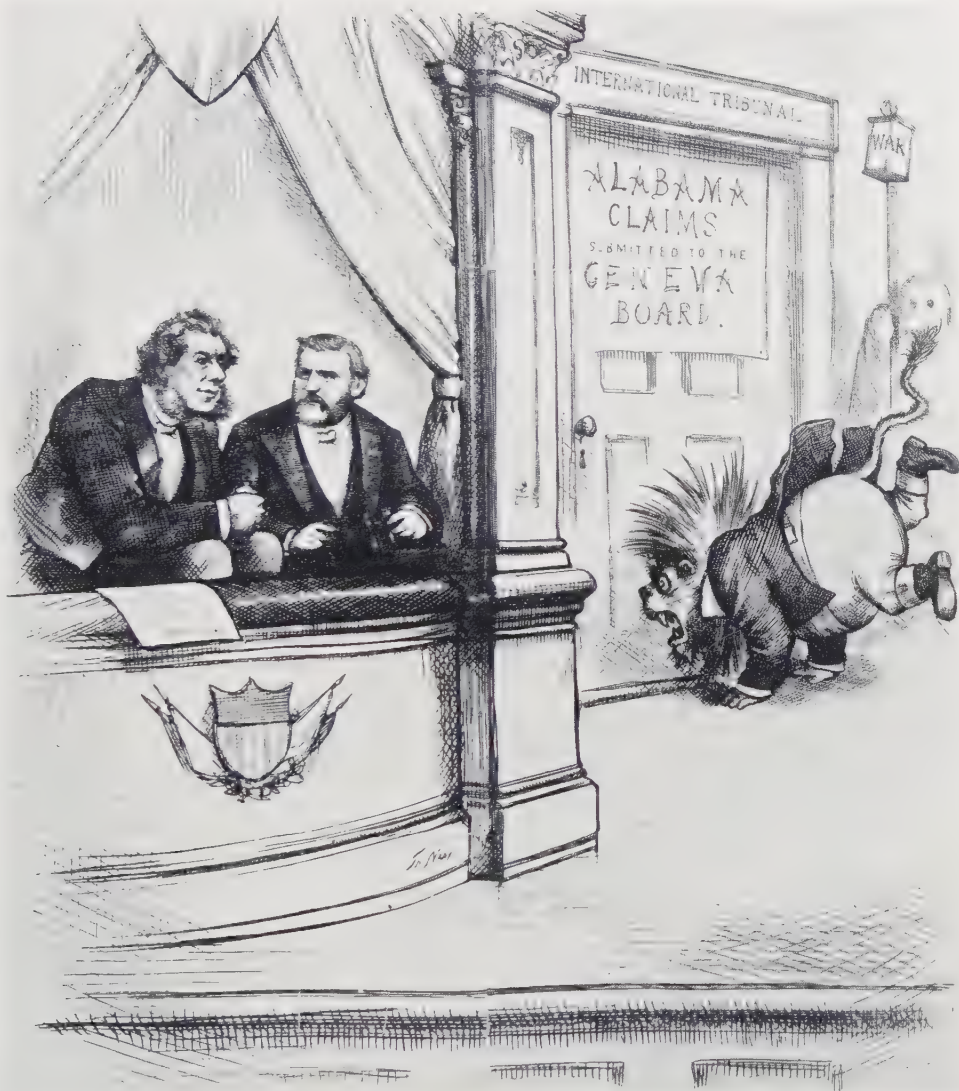
wrote, "is absurd, because it is not capable of proof. I don't believe the pirate fleet prolonged the war for a day. I think it rather injured the rebel cause, as it exhausted their funds for fighting on a field where it was impossible for them to do anything." He suggested a sensible compromise. The United States should retain the indirect claims in its Case, as historic evidence of the magnitude of its sense of grievance, but should loftily refrain from submitting them to the Tribunal as a ground for an award in mere dollars and cents. Such utterances were the more worth heeding because journals usually cordial to America, like the London *Daily News* and *Spectator*, aligned themselves staunchly with the Government.

But Fish, suspecting the motives of Gladstone and Granville, began to show strong irritation. "The British Ministry," he wrote Schenck,²⁸ "appear to me to have got themselves embarrassed by their disingenuous efforts to operate through their press, upon the press and the public sentiment of the Continent, in order to bring an influence to bear upon the Arbitrators, and now that they are about to face Parliament, they find that they have raised a whirlwind and cannot control the storm." This was a misapprehension of events in England, where the press was prodding the Ministry, not the Ministry the press. But it was a natural misunderstanding, for the sudden English storm did have an artificial look. And Fish pointed argumentatively to the Mixed Claims Commission sitting in Washington. It had been allowed to pass (of course adversely) upon British claims based upon the cotton loan of the Confederacy; moreover, it had received British claims for indirect damages—one from a holder of railroad bonds who complained that under the Legal Tender Act he was paid in greenbacks, and several for property destroyed by Confederate troops. In view of this, Fish thought the British effort to limit the American claims at Geneva poor sportsmanship.

When the Cabinet met at the White House on February 6, every member was against withdrawal of the claims.²⁹ Granville's note of February 3 to Schenck was received by cable while the session continued. Grant, angry, was for a mere curt acknowledgment. When Fish said that would not do, he seized a sheet of paper and wrote a defiant statement: "Lord Granville's note of the 3rd inst. to you received. This

²⁸ Fish to Schenck, Private, February 3, 1872; Fish Papers.

²⁹ Diary, February 6, 1872.



JOHN BULL AND THE INDIRECT CLAIMS

Lion. "You may now, perchance, both quake and tremble here,
When Lion rough in wildest rage doth roar."

Midsummer Night's Dream.

(Nast in *Harper's Weekly*)

Government sees no reason for a change of its presentation of claims against the British Government. It is for the Geneva Commissioners to decide what claims are valid under the Treaty and to determine amount of awards." That, he said, "is about the substance of what I would send." That night the anxious Thornton called at 11:30 on Fish. In the course of a conversation which lasted until one, Fish showed him a tentative dispatch to Schenk:

An independent party to a submission submits its case and its claims in its own way, and in its own interest. It is the sole judge on that point. Its claims, its arguments, may be controverted by facts, by reason, by arguments. The selected tribunal must judge between the parties and their respective arguments.

There can be no withdrawal of any claim, or any argument advanced by either of two sovereign Powers to a submission to arbitration. We ask none, we can make none.

You may state this in form or in substance, at your discretion, but in a friendly way. We mean to abide by the reference to which we have agreed, but must control the management of our own case.

A few days later the Cabinet again discussed the question. "We must go on," said Grant. He thought the Ministers to Switzerland, Italy, and Brazil should be instructed to urge these governments to keep their Arbitrators at Geneva even if England withdrew hers. "I want you, Mr. Fish," he said, "to instruct Mr. Adams to remain and to sign the award *alone* if all the others withdraw!" This was Grant all over. Fish pointed out to him that the Treaty required a majority of the Arbitrators to sign any award.

The American and British members of the High Commission were immediately brought to the verge of a painful issue of veracity. Sir Edward Thornton said in a speech in New York late in April: ³⁰ "No one supposes that the British Commissioners ever had an idea that claims for indirect damages were included in the treaty." Sir Stafford Northcote declared at Exeter on May 17 that the British Commissioners "were distinctly responsible for having represented to the Government that we understood a promise to be given that these claims were not to be put forward." De Grey more explicitly stated that he and his associates, supposing on March 8, 1871, that the Americans waived the indirect claims, had so notified their government. English-

³⁰ New York *Tribune*, *Times*, April, 1872.

men pointed out that Lord Granville, in explaining the Treaty to the House of Lords on June 12, 1871, had said that its great advantage over the Johnson-Clarendon Convention was that the claims for indirect damages entirely disappeared, owing to the "more limited reference." Northcote, moreover, had made a similar statement in the House of Commons.³¹

Fish did not question the good faith of the British Commissioners in these statements as to their impressions. But he was convinced that they rested upon a misapprehension, which he outlined to Schenck:³²

The suggestion that we are to take notice of Sir Stafford Northcote, or any other gentleman's remarks made in either house of Parliament, even though our Minister may have been present, is too absurd even for a newspaper paragraph. No Parliamentary Government allows other Powers to question the debates of its Parliament; *a fortiori*, cannot expect a foreign Power to "take notice" of anything there said. While Northcote may have said that he did not understand the "*indirect claims*" to be within the intent of the negotiators, the late Lord Chancellor and the late Secretary for Foreign Affairs said they were in the submission.

The meaning of the Treaty is within its four corners.

I enclose herewith an extract from the Diary kept by Davis of the proceedings on 13th April last. We had then completed the general terms on which the Alabama questions were to be settled, and had a printed draft (the revise of 12th April) of the Articles before us. No doubt you remember the scene, when de Grey locked his box, and it looked as though we were going to break up; there was some temper on both sides. Although the immediate question was upon the claim for the expenses of pursuit and capture (which they now admit), they were given notice that we regarded the language of the Treaty (which they would not consent should be "altered, enlarged, or opened") as sufficient to include *all* claims of the Government *which the Arbitrators may find just*, and they agreed that the Article be passed subject to the arrangement at a future meeting of a Protocol, in which the claims of the United States should be set forth. That Protocol was approved on 4th May, and set forth the "indirect claims." The extract may refresh your memory.

I have very carefully gone through the Diary, and fail to find the first exception taken by the British Commissioners, directly and in terms, to the "indirect claims"; unless on 6th April, when, discussing the allowance of a

³¹ *Nation*, February 22, 1872.

³² Fish to Schenck, February 29, 1872; Fish Papers. The Government Printing Office issued a pamphlet, "The American Commissioners and the Statement of Sir Stafford Northcote at Exeter" (1872), with explicit denials by Hoar, Nelson, Schenck, and Williams that the indirect claims had been excluded. Hoar put the matter sensibly. Though the claims were too large for compensation, he always expected to see them put in as reason why the United States should be awarded a generous gross sum for the direct claims, without haggling over details.

gross sum, De Grey said he "thought the reference should not be made so wide as to allow the Arbitrator to take a claim which had been put forward in the correspondence, though he supposed not seriously, for compensation for the expenses to which the United States had been put by the prolongation of the war"; he added that he had no authority to refer such a claim. You remember, however, they never had authority for anything; had to get their authority daily as questions arose; and four weeks later enumerated this among the claims.

Although Fish did not impugn the sincerity of de Grey, he clung to his acid suspicion that the Ministry's sudden bolt was primarily the result of political cowardice and newspaper clamor. We have seen that he was wrong; but the important fact is that he honestly believed this. He wrote John Sherman that he had scrutinized the genesis of the English protests with care.³³ For seven weeks after copies of the American Case had been freely distributed in London and criticized by the press, no important statesman or jurist had objected to inclusion of the indirect claims. Opponents had called them extravagant, but had tacitly admitted them to be within the province of the Tribunal. But just before Parliament met, certain journals had begun a campaign of panic which Opposition elements took up. The Ministry, "with the fear of an adverse vote, abdicated to the press," and Mr. Gladstone made a speech full of "intemperate and unsustained statements." De Grey and the other Commissioners, eager to defend themselves and support Gladstone, had presented their opinions of the controversial exchanges in Washington as if they were proved facts. John Bull had then planted his boots obstinately and refused to budge. The whole threatened debacle, Fish bitterly commented, was based not upon the Treaty, but upon what the *Times*, *News*, *Standard*, and *Saturday Review* had forced Gladstone to say about the Treaty.

Nevertheless, Fish wrote Schenck in a mood of patient hopefulness: ³⁴

If the tone of the British Press be taken as the expression of the opinion and interest of the British Government, our Treaty may be regarded as ended. I am not yet willing to believe this, but when Mr. Bright and other gentlemen of calm judgment occupy themselves in endeavoring to "construct bridges for the American Government to retreat upon," instead of examining first the Treaty, and next the real object and meaning of our "Case" and its presenta-

³³ Fish to Sherman, "Personal," March 19, 1872, Fish Papers.

³⁴ Fish to Schenck, March 18, 1872; Fish Papers.

tion of the claims for "indirect losses," what are you to expect? Do these gentlemen wish this class of claims which have been so prominent, *especially in the British presentation* to their public, to be kept for future presentation? These claims were about all of Sumner's speech that the British press allowed the British public to know about. If not disposed of now they must remain for settlement at some future period. *If they be deferred (with the British estimate of their magnitude)* they may become disturbing at a critical moment. We wish them disposed of. I do not find the first man who expects or wishes to obtain a farthing for them. I supposed that Sumner might attach importance to them, but meeting Mr. J. S. Pike, night before last, he told me that in a conversation with Sumner, quite recently, the latter told him that he does not regard them subjects of computation for pecuniary indemnification, and that he had intended to present them in his speech as makeweights to enforce the validity of the direct claims.

Sir Stafford Northcote and Lord Ripon say they *thought* they were excluded from the Treaty; their declaration is conclusive that they *so thought*; but they fail to indicate when, where, or how they were eliminated. On our part we think they were not excluded, and our declaration on that point ought also to be accepted. We wish to get rid of them; we do not claim a pecuniary award on their account. In fact, it would accord more with our wishes and general views that the Tribunal should determine that they are within its province, but that a nation cannot be held liable for the indirect, remote, or consequential injuries resulting even from an act of negligence, rather than that the Tribunal decide that they have no jurisdiction over them.

Why does it not occur to Mr. Bright and some other of our neighbors on that side of the water to try their hand at building a bridge for the *British* Government to retreat upon?

IV

[Fortunately, as soon as the threat to the Treaty grew serious (with a nasty undertone of war-talk on both sides) friends of peace leaped to the rescue.] The American Legation in London, where Schenck worked into the small hours to try to save the situation, was filled with anxious visitors. One day a distinguished figure in a long cloak, with intellectual face and flowing hair, appeared. He had some ideas upon the preservation of peace. It was Tennyson. George W. Smalley lent a helpful shoulder with the press; Lord Granville spared no effort; Sir Roundell Palmer searched for a way out. The Opposition in Parliament showed patience, and Lord Derby ignored obvious opportunities to upset the Ministry.

Naturally Sir John Rose was early in the field.³⁵ On February 3 he cabled his partner Levi P. Morton that a settlement was impossible without abandonment of the indirect claims; that British sentiment was absolutely united; and that Morton should make an immediate effort to sound the Grant Administration. Morton caught the night train to Washington. On February 4th and 5th he notified Rose that our government still took a determined position, but might revert, upon request, to its original proposal that Great Britain settle the whole claims question by payment of a gross sum. Fish had said that he would favor such a solution if Great Britain made the offer, and Morton had gained the impression that four or five million pounds would suffice. As a matter of fact, however, Grant—as the next Cabinet meeting showed—was strongly opposed to a lump-sum payment. So also was the British Cabinet. Rose shortly cabled from London: ³⁶ “No chance whatever gross sum nor any solution except modification claims. There is a sharp panic in stocks.”

Indeed, financial interests on both sides of the Atlantic suffered heavily during the first fortnight of February. American stocks went down with a rush on European bourses. German holders began selling them at sacrifice prices; British and French investors followed. For some weeks the European market for American securities was practically paralyzed. Naturally, American business men who needed foreign capital were soon besieging the Administration to adjust the dispute. “This misunderstanding,” Morton ruefully informed Fish two months after it began,³⁷ “is costing this country almost daily more than any amount we could possibly expect to receive, even if England would agree to refer the question of incidental damages.” Another international financier, Cyrus W. Field, landed in New York asserting that, having travelled throughout Europe, he had found all the leading statesmen convinced that we were in the wrong. This statement did not harmonize with George Bancroft’s report to the Secretary from Berlin: ³⁸ “Bismarck thinks England must go on with the court at Geneva. He expressed the opinion to me as strongly as a man could.” But with the post-war boom still on, with the Northern Pacific Railroad and other new enterprises hungry for European capital, financial circles

³⁵ Morton-Rose Cablegrams, February 3-8, 1872; Morton Papers.

³⁶ Rose to Morton; copy in Fish Papers.

³⁷ Morton to Fish, March 28, 1872.

³⁸ Bancroft to Fish, February 16; Fish Papers.

in the United States were aghast at the breach and urgent for a settlement.

Almost all the American press had applauded the American Case. At first most of it had been vigorously behind the Administration in defending the indirect claims. But February and March found many editors anxious for an adjustment by mutual concessions. The sharp newspaper censure of Granville and de Grey in England was soon matched by American animadversions upon Fish. The New York *Times* published editorials so hostile that the Secretary wrote a pained letter to the English-born proprietor, George Jones. The *Evening Post* printed Washington correspondence which he thought highly unfair, and which drew from him two more letters of protest.³⁹ The New York *Mail* presented with editorial commendation⁴⁰ a letter from John Bright to Cyrus W. Field, declaring that the American Case contained "too much of what we call 'attorneyship' and too little of statesmanship." The *Nation*, at first heartily blaming both sides, finally concluded that Fish was the more in the wrong.⁴¹ *Harper's Weekly* declared that the United States should give way. This pressure of important editors for concessions had a salutary effect.

Secretary Fish was willing to do all that he reasonably could to attain a settlement. His first serious proposal, after failure of the lump-sum plan, was that the United States give up the indirect claims while Great Britain gave up her San Juan claim. George Bancroft had laid before the Kaiser a well-buttressed argument on the San Juan boundary, which he soon followed by a rejoinder to the British argument; both presented in German, whereas the British offered theirs in English and bad French.⁴² The United States had insisted that the issue be restricted to a choice between Haro and Rosario Straits, ruling out a middle channel. Bancroft felt sure of the decision, and the British privately admitted that our case was the stronger. This being so, Fish felt that he asked them to surrender little. But in view of Canadian sentiment, Granville was unwilling even to talk of the proposal. "The fact is," Schenck reported,⁴³ "that Mr. Gladstone so committed himself at the opening of Parliament to an extreme position . . . that every step

³⁹ Fish to Charlton Lewis, February 8, 11, 1872.

⁴⁰ N. Y. *Evening Mail*, March 27, 1872.

⁴² Bancroft to Fish, February 16, 1872.

⁴³ Schenck to Fish, March 20, 1872; Fish Papers. Cf. Howay and Scholefield, *British Columbia*, II, Ch. 18.

⁴¹ *Nation*, May 16, 1872.

towards accommodation since has been, to a degree, if not entirely, arrested by the obstacle he then threw in the way."

v

As March closed, Fish still hoped that the British would put in their Counter Case on April 15. Granville would not—he surely could not—bring about a rupture. If only England would proceed at Geneva, he wrote Schenck,⁴⁴ "the mere passing of cautious and friendly notes reiterating adherence to opinions once expressed will not hurt anyone, however wearisome and profitless." But would they? Schenck, who had warned the British that to obstruct the arbitration would mean tearing up the Treaty, did not know. If they did destroy the Treaty, Fish was sure that England would suffer more than the United States. "You would be surprised at the utter indifference of the people here whether Great Britain repudiates the Treaty or not. I do not share it, but hear half a dozen times a day the remark, 'If they can stand it, we can.'"

When Granville's next note, dated March 20, 1872, arrived, Fish thought it unduly sharp, and was resentful. But it did not close the door, and news soon came that the British would submit their Counter Case. This, he wrote Schenck, was an important point gained.⁴⁵ "We advance another step, which will make it more difficult for England to back out and repudiate." He would be in no hurry, he added, to reply to Granville's "prevaricating, contradictory, and unfair note," accompanied as it was by memoranda in which he believed he saw Tenterden's "cunning and trickery." He thought that American courtesy had gone far enough when it was met with such "uncandid pettifoggery." Gladstone's loss of his head on February 6 had made Granville's position difficult, but that did not excuse his unfair note. Yet Fish added next day:⁴⁶

Keep John Bull in good humor about the Counter Case. I think it not unlikely that the decision may be against us on the "indirect claims." Perhaps it is to our interest that it should be so—*provided* the Tribunal *will take jurisdiction* and so award. To us, who are generally neutral, with an extended line of coast, a small navy, *no* police, and a very adventurous population, it

⁴⁴ Fish to Schenck, March 29, 1872; Fish Papers.

⁴⁵ Fish to Schenck, April 11, 1872; Fish Papers.

⁴⁶ Fish to Schenck, April 12, 1872; Fish Papers.

would not be unfavorable to our future interests should the Tribunal decide that a neutral is not liable in pecuniary damages for the indirect consequences of an accidental or unintentional breach of its neutral obligations.

A long Cabinet discussion on April 19 made it clear that the members all shared Fish's desire to save the Treaty.⁴⁷ They agreed that the indirect claims could not be withdrawn, and that it was to the interest of the United States that the Tribunal pronounce an explicit judgment against them. The Cabinet was anxious to prevent Congress, where an anti-British resolution was pending, from meddling with the situation. Creswell suggested that the State Department might inform Great Britain that while we wished the Tribunal to decide the issue, we would leave the *amount* of the damages to be arranged later by the two governments. This represented progress, but Grant made a more practical proposal.

Charles Francis Adams was about to sail for Europe again, and the President suggested that if Fish called him to Washington and gave him the opinions of the Administration, he could then drop reassuring hints in London. The Cabinet heartily approved this happy idea. But it was not necessary to summon Adams to the capital. Boutwell was going to Boston, and at Fish's request he conveyed the Administration's views to Adams. Adams at once told Boutwell that he also had decided that it was important to neutral nations, and especially to the United States, that the indirect claims be formally declared untenable.⁴⁸ He would be glad, as Fish suggested, to tell the British authorities that he thought so. They ought to feel greatly relieved when they learned that the American Arbitrator would join the British Arbitrator in opposing any award whatever for prolongation of the war.

Hopeful that he had loosed the Gordian knot, Fish on April 23 wrote an optimistic letter to Schenck.⁴⁹ He commended Disraeli for saying in a recent speech at Manchester that it had been impossible for the United States to withdraw the indirect claims, and went on:

I think that we were bound to present them to the Arbitrators; not to have done so, would have been not to act in good faith either to ourselves, our people, or to Great Britain.

The pressure here comes (I think) from the bankers and the commercial

⁴⁷ Fish, Diary, April 19, 1872.

⁴⁸ Boutwell to Fish, April 22, 1872; Fish Papers.

⁴⁹ Letterbooks.

interest on both sides of the ocean, and the amateur diplomatists who always "know too much for one, and not enough for two," and are busybodies by intuition. Nevertheless, their activity with the press and otherwise is producing a public sentiment which will justify, or make easy, what otherwise it might be difficult to do.

I think that Adams' assurance of his opinion, and of the decision which he will be inclined to render, must relieve the British Government of the apprehension of any award of damages for the "indirect claims," and the efforts making to drive this government into a withdrawal will have prepared the public mind with us for a decision which will really be in the interest of both nations. . . .

I was glad to receive your telegram yesterday, stating the possibility of the overthrow of the Ministry on the Dublin University Bill; not that I am particularly anxious that the present Ministry be voted out, but that some other question than the Treaty is being made the object of assault. If a new Ministry comes in, I suppose they may find it easy if they think proper to go on with the Arbitration, throwing the responsibility of any errors upon their predecessors; they cannot fail to be assured that there is no danger of being burdened with a heavier obligation than was "imposed by Germany upon France."

If the matters involved in these questions were not of vast importance, one would be inclined to look upon the course of the British Ministry as a sort of harlequin's exhibition.

If we can only succeed in getting safely through with the Arbitration, I shall feel quite disposed to leave John Bull severely alone for a long time, and should it ever be my lot again to take part in negotiating a treaty with him, I feel now that I should be inclined to insist upon security that he will earnestly carry it out.

And on April 25th Fish took still another step toward an accommodation. He and Thornton had a long talk.⁵⁰ The British Minister assured him that his government had no intention of repudiating the Treaty, and when Fish complained that no constructive offer had come from London, asked if any new solution had occurred to him.

"I am hardly prepared to say that it has," observed Fish. "But a crude idea has come into my mind which may be elaborated into something practical. You have noticed that in none of my instructions have I demanded any compensation for the indirect claims. You also know that I have gone very far toward expressing the belief that nothing will be awarded for them. Now here is a possible way out. If Lord Granville should comment upon these points, and draw the conclusion

⁵⁰ Fish Diary, April 25, 1872.

that the American Government wishes to protect itself against the future; if he will state that Great Britain never has advanced claims for similar losses, and never will, whatever the future relations between England and the United States as belligerent and neutral; and if he will add that, in order to elicit a clear decision from the Tribunal, Great Britain will join the United States in submitting the abstract question of liability for such claims—on this formula we could probably come to an agreement.”

“Very good,” said Thornton, “I will telegraph Lord Granville at once.”

Next day Fish formally presented his suggestion to the Cabinet, which approved it.⁵¹ The President authorized him to inform Thornton that if Great Britain would pledge herself never to advance claims for similar losses against the United States, we would ask no damages for the indirect claims as they now went before the Tribunal. Thornton telegraphed this more explicit offer to Granville. That same day, April 26, Levi P. Morton arrived from New York, dined with the President, dashed later to the British Legation, and then came to Fish's residence. He had written a telegram imploring Rose to support the American offer, which Fish approved. All the prospects seemed hopeful.

VI

But agonizing days of worry and doubt lay just ahead. Gladstone's Ministry, like Grant's Administration, was laboring under heavy public pressure. Lord Russell's motion for suspending all proceedings on behalf of Her Majesty's Government until the indirect claims were “definitely withdrawn” had with difficulty been postponed from week to week. A majority of the House of Lords sympathized with it; so also did the Cabinet. Had the Opposition desired—which it did not—it could probably have passed a vote of censure against the Ministry at any time after April 15. Only Gladstone's active support of Granville's efforts kept the Treaty alive, and Gladstone had to pick his steps carefully.

Fish anxiously awaited the reply to the American proposal. At

⁵¹ Fish Diary, April 26, 1872.

Thornton's request, he sent specific instructions to Schenck on April 27:⁵²

. . . The British Government may make a proposal to you to the effect that . . . in the future, should Great Britain be a belligerent and this country neutral and should there be any failure on the part of the United States to observe their neutral obligations, Great Britain will make or advance no complaints or claims against the United States by reason or on account of any indirect, remote or consequential results of such failure, and that in consideration of such stipulation the United States shall not press for a pecuniary award before the Geneva Tribunal on account of the [indirect] claims. . . . Should a proposal to this effect be made by the British Government the President will assent to it, it being understood that there is no withdrawal of any part of the American case, but an agreement not to demand damages on account of the claims referred to; leaving the Tribunal to make such expression of opinion as it may think proper. . . .

Alas, the reply which came May 2 was unsatisfactory! The Ministry proposed that the original British thesis of the non-arbitrability of the indirect claims be accepted at once, thus precluding any expression of opinion by the Tribunal. This was in flat disagreement with Fish's plan. It offered to lay this thesis down as the British principle of action in the future, if reciprocal assurance were given by the United States. But here also the reply was inadequate, for it limited the agreement by the British Government to a stipulation not to advance claims of that nature in similar cases and like circumstances—though two cases are seldom similar, and no circumstances could ever be like those of the Civil War.

"That practically means your withdrawal," Fish angrily exclaimed to Thornton when the latter called. He wrote in his diary, "*Under no circumstances* can the United States agree," and underlined the first three words savagely.⁵³ When next day Schenck confirmed the stubborn British demands, he wrote a rejection⁵⁴ and took it to Grant.

The treaty that day, May 3, hung on the verge of destruction. Grant smote his desk as he said that the United States had gone to the utmost limit in concessions, and must propose nothing more. He suggested that, to make sure of a united national front, both the Senate and House committees on foreign affairs be called immediately to

⁵² State Department MSS, Diplomatic Drafts, 1872, Great Britain.

⁵³ Fish Diary, May 2, 1872.

⁵⁴ In Fish Papers.

listen to the recent correspondence, including Fish's new draft-reply. Babcock at once sent out invitations.

At ten o'clock on Saturday, May 4, a line of carriages drove up to the State Department. Grant, looking stern, descended from one. Others discharged four Senators, Harlan, Morton, Hamlin and Patterson, and five Representatives, Banks, Meyers, Willard, Ambler, Packard, and Buell. Frock coats and silk hats filled Fish's small office. The Secretary read the recent correspondence with Schenck. Morton and Banks, both aggressive men, thought the American offer of the 27th too generous and the United States well out of it; they wanted it now withdrawn. Others approved the instruction of the 27th, but shared the general resentment over England's reply. Grant directed that Fish's draft-dispatch be sent, with an addition of the character proposed by Banks to indicate that the offer of the 27th was no longer open. That same day Fish telegraphed Schenck that the British proposals were wholly unacceptable. But he did not withdraw the previous offer.

Tension in London and Washington was now acute. In London, Schenck came home after a sleepless night, and exclaimed as he threw his hat down, "It is all over. This is the end of the treaty." "Very well, sir," replied his young secretary Woodhull, "we shall fight Great Britain, and thank God, we are ready for it!"⁵⁵ In America the opinion of men who knew the critical posture of affairs was much divided. On May 6th Fish received two letters, one imploring him to yield, the other to stand firm:⁵⁶

(Levi P. Morton to Fish, New York, May 4, 1872)

I have today received the following cable dispatch from Sir John Rose: "Important. Strictly Confidential. Pray use every influence to induce the government to accept the English modification. It is certain that the English Government have gone to the extreme length that the country would sanction and that your rejection would be fatal to the arrangement." It would seem a worldwide calamity if on the grounds of the presentation of the abstract question, or any technical point, this great Treaty should fall to the ground.

(James G. Blaine to Fish, Washington, May 5, 1872)

I have read the papers—and ventured to allow my wife and Miss Dodge to do the same. Their publication will do you immense credit. Your statements and arguments are irrefragably strong, and in comparison with Granville's replies have the strength of a giant. I do not think that any one of the many

⁵⁵ Hackett, *Reminiscences of the Geneva Tribunal*, 202.

⁵⁶ In Fish Papers.

meritorious acts of your public life will do you more credit than this correspondence.

I pray that you will not from pressure suffer yourself to lower the standard an inch. It is of immense consequence to our national prestige that we now stand firm, and is of surpassing importance to your reputation as a statesman that you maintain with positive firmness the position you have assumed with right and fortified with unanswerable arguments.

Fish and Thornton were deeply dejected. The handiwork on which they had spent months of anxious labor seemed lost. Both realized with grave apprehension that the question would go into the imminent Presidential campaign. Thornton had warned his Government in February that the Administration could and would make most effective use of British withdrawal in appealing to the voters.

But the day was not yet lost. Fish's reply no sooner went on the wires than Thornton, Rose, and most manfully of all, Schenck, besieged the British Ministry with pleas for conciliatory action. They assured Granville that Fish would have an almost solid nation behind him—that the British must yield something more.

The result was a new move by England. Inquiries were made through Schenck whether the two nations could not agree forthwith upon a rule defining the extent of liability for indirect damages resulting from a failure to observe neutral obligations; the United States meanwhile making no financial claim with respect to the indirect losses at Geneva. A Cabinet meeting at the White House on the 7th viewed this favorably. Fish writes: ⁵⁷

The present state of the Alabama question was considered. I read telegrams to Schenck of 4th and 6th and his to me of 5th and 6th; a long discussion ensues; Creswell expresses himself warmly in favor of maintaining the treaty. It is agreed by all that the proposition in Schenck's telegram of yesterday cannot be accepted; that no arrangement to bind the future action of the Government can be made except by treaty. The President at one time seemed inclined not to reply to this last proposal, but on the suggestion that it would throw upon this Government the responsibility of breaking the treaty, he immediately acquiesced, and on my saying that we might reply to the effect that the President, without the assent of Congress, cannot enter into an engagement to bind the future action of the Government; that in that view the suggestion in my telegram of the 27th April had been made; that he had gone to the verge of concession, but in his desire to save the treaty will consider any proposal for a new arrangement, and if he can approve will submit

⁵⁷ Fish Diary, May 7, 1872.

it to the Senate. Robeson says it is very easy to frame a dispatch in that view, whereupon I hand him a sheet of paper and request him to draft one. He does so and reads it. The President says it strikes him favorably, and successively asks the opinion of each member present, each answering approvingly. Bristow, however, intimates a doubt whether the President has the Constitutional right to say that he will not ask for pecuniary compensations for the indirect losses. Each one present having separately approved, the President authorizes an instruction to Schenck in the "spirit and general sense" of Robeson's paper.

At last a way out had opened! On May 10 Lord Granville handed Schenck the draft of a proposed additional article to the Treaty. "He grinned from ear to ear," Granville wrote Gladstone.⁵⁸ "I said, 'I suppose you have now what you want.' 'O, I can give no opinion . . . but I think it certainly opens the way.' " Under the new article each nation bound itself never in future to prefer a claim for consequential damages against the other, and in consideration of this the United States at once dropped its indirect claims. This was nearly all that Fish wanted. The ideal solution would be a formal decision by the Tribunal that *no* nation could be granted payment for indirect losses; next to this, we would be fairly well protected by a solemn treaty agreement that neither Great Britain nor the United States would ever ask for such payment.

On the night of the 11th, by Presidential summons, a distinguished assemblage met at the White House.⁵⁹ Three Cabinet members, Fish, Boutwell, and Robeson, were present. They shook hands with Speaker Blaine. A dozen of the weightiest Senators, including Edmunds, Hamlin, Frelinghuysen, Logan, Howe, and Oliver P. Morton, attended. President Grant dwelt upon his desire to save the treaty, and expressed a belief that the proposal just received might offer a means of doing so. Secretary Fish read the latest correspondence, and made what explanations were necessary. A general discussion ensued. Though there was "a tolerably free interchange of opinion," no effort was made to commit any Senator. Edmunds privately informed the Secretary that he thought it best to send the article to the Senate for advice rather than immediate ratification; it would then receive more votes, while a defeat would not be so humiliating.

Seeing that this course was wise, Grant and Fish on May 13 sent

⁵⁸ May 10, 1872; Gladstone Papers. Copy supplied by Mrs. H. W. Wells.

⁵⁹ Fish Diary, May 11, 1872.

the article to the Senate "for an expression of their disposition." Morton and Zach Chandler at once declared themselves in favor of it. But Sumner and Sprague made speeches in an effort to shelve it. Chandler, much worried, came to the Cabinet meeting on the 14th and advised that the Administration seek to rally its supporters behind the article. Fish immediately penned a telegram to Levi P. Morton, and other members sent duplicates to their friends in all parts of the country. Next day, through a leak in the *Herald*, the article became public.

But despite Chandler's fears, the Senate lost no time in passing a resolution of approval. Even Sumner finally voted aye, though he did not lose the opportunity of attacking both the American and British Commissioners. The result stood 42 to 9. But the Senate indulged in a clarification of the article by stating in the preamble that both nations adopted for the future "the principle that claims for remote or indirect losses should not be admitted as the result of the failure to observe neutral obligations, so far as to declare that it will hereafter guide the conduct of both" toward each other. "It is now for Great Britain to decide," wrote Fish to Levi P. Morton.⁶⁰ "If she is sincere, she cannot hesitate to accept the amendments. The article as proposed was uncertain and ambiguous." The last days of May were spent in anxious suspense. Then came word that Gladstone's Ministry—despite a plea from the Queen herself for acceptance—would not assent to the modifications.

It would not agree because it believed that the Senate had unwarrantably broadened the article. The amendment, it held, would prevent any future claim for indirect losses even when the breach of neutrality had been deliberate and malicious. As a matter of fact, the phrasing *had* been broadened, with a view to possible future offences by Americans against Canada. Fish told Thornton that, "As framed by the Senate, the Article prevents claims against us on account of the Fenian Raids, while the British draft would exclude only claims of a similar nature arising from acts of vessels, etc., etc., under circumstances which may probably never occur again." The Senate had done only what it thought fair. But the British Government might well doubt whether release from reparation for offences during the Civil War might not be bought too dearly by conceding to the United States

⁶⁰ Fish to Morton, May 26, 1872; *Fish Papers*.

an unlimited exemption from responsibility for similar wrongs which might be inflicted in all future time upon Great Britain by Americans! Even Granville and Forster were against the Senate's terms, and the Ministry acted unanimously.

VII

For the moment all seemed over and the Treaty lost. The Administration needed only to give the signal for a vigorous expression of national anger. Grant was eager to act. In high indignation, he wrote Fish on June 1: ⁶¹

In view of the probable failure of the Washington Treaty, I suggest whether it is not advisable to have prepared for transmittal to the Senate, on Monday next, all the correspondence on the subject. It should be accompanied by a short message setting forth the concessions made by this government to secure the benefits of a treaty equally honorable and advantageous to the two countries directly interested in the treaty, and, as an example, to the civilized world. I would also suggest in the message that at the next session of Congress means should be provided for settlement with American citizens who suffered by the acts of vessels illegally fitted out in English waters.

But miraculously the treaty was saved at the last moment, not in Washington, not in London, but in Geneva itself. June 15 was the date set for beginning the arbitration. On the 13th Cushing, Evarts, and Waite set out from Paris, all firmly expecting to be back in the city within a few days. Cushing's secretary hardly thought it worth while to go along. When they reached Geneva they found that the five Arbitrators and the English party were already there. Roundell Palmer and Cockburn also expected to return home immediately.

At noon on Saturday the 15th, in a hall of the Hôtel de Ville, Count Sclopis impressively called the session to order. On the dais sat the five Arbitrators, with Charles Francis Adams at the extreme right, Lord Cockburn at the extreme left, and Sclopis in the centre. In front were the secretaries, the two Agents, and the counsel. With great dignity, Bancroft Davis arose and presented each Arbitrator with English and French copies of an argument. All eyes then turned to Lord Tenterden, who but for the still-unsettled dispute would have

⁶¹ Fish Papers.

delivered in like fashion the British argument. Instead, he submitted a note, asking that in view of the differences remaining between the two governments, the Tribunal adjourn for a sufficient period to permit them to agree upon a supplementary convention.

By presenting its argument, the United States was placed, in Fish's opinion, in a position to invoke the judgment of the Tribunal whether Great Britain appeared before it or not. Charles Francis Adams had told W. E. Forster in London that if England withdrew, "I shall urge the other Arbitrators to go on." For this reason, among others, the British Government was asking for delay instead of withdrawing.

No one was more eager to prevent a break than Bancroft Davis. During the preceding three months he had given intense thought to the deadlock for which he was so largely responsible. He had sent Fish several letters discussing the possibility of getting rid of the indirect claims by an advance agreement of counsel upon points of law which would not be contested on either side, the rules for the measurement of damages to be included among them. Now he inquired how long an adjournment the British proposed. Lord Tenterden named eight months. Already Thornton had intimated to Fish that this would be the period requested by England. The Secretary had protested that this was too long; that it would postpone the question to so late a date that the next Congress could not pass legislation carrying into effect the Treaty provisions regarding the fisheries, the assessment board, and other practical matters. Fish had instructed Bancroft Davis that an adjournment should not run later than January 1, 1872. "Telegraph results immediately," he added.⁶² But Davis did not debate the question before the Tribunal. Saying that he would have to learn the views of his government, he asked for another session on the 17th. The request was granted, and two days gained.

In these two days Charles Francis Adams, ably supported by Davis and Lord Tenterden, saved the battle. Apparently it occurred to both Davis and Adams simultaneously that the Tribunal, waving aside British objections, and acting summarily and rapidly, might at its very next meeting take up the indirect claims, reject them, and thus cut through all difficulties! They talked this over on Saturday afternoon. "It would be a way most unpalatable to England," said Adams,

⁶² Fish to Davis, June 12, 1872; Letterbooks.

"but if there is pluck enough in the Tribunal, it might be done." "I don't believe there is pluck enough," said Davis.⁶³

Adams suggested that Davis talk with Lord Tenterden on the subject. Davis, after some demur (for he believed that it would be better for Evarts to see Sir Roundell Palmer), therefore called at Tenterden's rooms at the Hotel des Bergues. The English Agent at first declared that nothing could be done. "I may as well tell you frankly that my instructions are positive and limited," he said. "They are to secure the adjournment we have asked for, or retire."

But as they talked, Tenterden began to see a light—indeed, a larger and brighter light than either of the Americans. It was a happy fact that the two Agents were gentlemen who trusted each other and could talk confidentially. Davis has described how, during their conference, the germinal idea of the final settlement blossomed:⁶⁴

A conversation ensued, in which I ascertained that he thought it probable that the neutral Arbitrators would be willing to say that Great Britain could not be held responsible for the indirect claims, and he thought that the manifestation of such an opinion would probably induce the United States to instruct their Agent to say that they did not desire to have these claims further considered by the Tribunal. He added that there was a strong feeling in England that the United States expected that the Arbitrators would, while rejecting these classes of claims specifically, let them have weight when considering the other classes, and that they would desire some instructions to answer that objection, however unreasonable.

When I was fully possessed of his idea, I saw Mr. Waite and Mr. Evarts (Mr. Cushing had by this time retired), and told them what had taken place.

Late that night and all next day, Sunday the 16th, the conferences continued. Sir Roundell Palmer made objections; they were answered; the plan took fuller and better shape. [On Sunday afternoon Adams handed to Davis a paper which went much further than any American proposal previously made. He wrote that it was "needless for the Arbitrators to do more than declare that they must decline to assume any jurisdiction over a question which is not fully recognized by both parties as legitimately within the powers conferred upon them by the terms of the Treaty."] If more reasons were wanting to decide the

⁶³ Bancroft Davis, MS. Journal (a full copy is in the Fish Papers); Hackett, *Geneva Tribunal*.

⁶⁴ On Tenterden's capable activities, see Tenterden to Foreign Office, Nos. 7, 15, 16, 17, FO 1402, State Papers LXII, 192; Tenterden to Granville, Private, June 15, 16, 1872; in F. O. 5, 1417; Tenterden to Granville, "most confidential," June 17, 1872, No. 32, FO 5, 1417.

point, the Arbitrators could say that if such claims were pressed by the American Government, then the Tribunal would be "constrained in deference to what it holds the recognized rules of international law applicable to such cases to decide that Great Britain could not in their opinion be made responsible in damages therefor."

Both Davis and Cushing objected to part of this. They did not wish the Arbitrators wholly to decline jurisdiction; they did wish them to make an explicit assertion that application of the recognized rules of international law would at once dispose of the claims. Early on the 17th Cushing, Evarts, and Waite therefore agreed upon a substitute paper. Under its terms, the Arbitrators were to make a *declaration*, not a decision. It was to state that the American claims for indirect damages (including transfer of the American commercial marine, enhanced costs of insurance, and prolongation of the war), did not constitute in public law a valid foundation for a money award, and that the Tribunal was compelled, in deference to international law, to decide that Great Britain could not be made responsible in damages for them. The Tribunal was to offer this opinion not "as a present exercise of jurisdiction over the subject," but merely "as an expression of the views they have formed upon the question of public law involved."

Thus at last a satisfactory formula was decided upon. For this final suggestion, with some modifications, proved satisfactory to all. The Tribunal was in effect to give an "advisory" opinion. While declining to take up the question of its competence to decide the indirect claims, it stated that *if it were* competent it would find that they offered no basis in international law for an award! At the close of a formal session of the board on the 17th, the five Arbitrators remained for consultation. Adams in fluent French argued with them; he brought the reluctant Cockburn to agree that an *extra-judicial* opinion might be given; and he declared that he was ready to offer the proposal "not as an Arbitrator representing my country, but as representing all nations."

On June 19, with Lord Cockburn absent, the Tribunal met to make the agreed statement. Count Sclopis read it. After referring to the conflict of opinion over the right of the United States to submit the indirect claims, he went on: "the Arbitrators think it right to state that . . . they have arrived, individually and collectively, at the con-

clusion that these claims do not constitute, upon the principles of international law applicable to such cases, good foundation for an award of compensation or computation of damages between nations." ⁶⁵ Fish then instructed the American counsel to announce that they accepted this statement. The British counsel withdrew their motion for adjournment, and on June 27th presented their argument. The arbitration had begun.

VIII

Thus, after years of vexatious discussion, the whole cloud of vague but portentous grievances called the indirect claims, like some fearsome Oriental afreet recalled to his urn, was exorcised by a few magic words. It would have been better by far had they never been raised to darken Anglo-American relations. Their history reveals no little bungling on both sides; but it also shows that, after the first step was taken, the whole imbroglio had a certain inevitable quality. Seward adumbrated the indirect claims. Sumner impressed them deeply upon the American consciousness. Once this had been done, no treaty of peace could extinguish the ill-feeling between the two nations which did not cover them—which did not deal with *all* the causes of ill-feeling. The American Commissioners knew that they could not debar them without arousing the resentment of the Senate and people. The British Commissioners, *per contra*, knew that they could not explicitly include them without arousing Parliament. The Joint Commission tacitly decided that the Treaty must neither exclude nor include them in explicit terms. Compromises are always dangerous when two irritable publics have to be satisfied, and vague compromises are the most dangerous of all because they are open to varying interpretations.

The opposing interpretations precipitated all the troubles. The British felt that under the compromise, the Americans were bound to say no more about the indirect claims. The Americans recognized no such obligation and saw three good reasons for mentioning them. First, they would strengthen our demands for a generous rather than niggardly estimate of direct damages. Second, they would strengthen the Treaty, still in danger of a failure of appropriations in the House. Third, for the good of all future neutrals, such claims should be decisively knocked

⁶⁵ Caleb Cushing, *Treaty of Washington*, 70.

in the head. In some European war, the United States herself might let a few cruisers escape to aid one belligerent; if the other were victorious, it might later demand half the costs of the conflict. Fish and Bancroft Davis were therefore correct in including the indirect claims. But we cannot avoid the conclusion that they were censurable for the manner in which they did it. They should have made it clear that the inclusion was merely *pro forma*, and that the United States disclaimed a monetary award on account of the prolongation of the war. This would have required ingenuity in wording the text. It would also have required courage in facing the American electorate; but courage is precisely the quality we expect from statesmen.

As we have said, haste in drafting the latter part of the Case was doubtless partly responsible. Ratifications of the Treaty were not exchanged until June, 1871; the Case had to be delivered in Geneva on December 15; in the brief interim Bancroft Davis, shaking off his burden at the State Department, had to write an elaborate historico-legal treatise of nearly 500 pages, see it through the press, and send it abroad. It is not strange that the last pages were hastily composed and read without due thought of their effect. Omission of the unfortunate sentence about costs of the war "after the battle of Gettysburg" would alone have wrought a vast improvement. But it must be said that after the outcry began in England, Secretary Fish labored with vigor and wisdom to reassure the British Government. First he made it clear that he would not push for any award under the indirect claims. Then, as the British clamor continued, he stated that he fully expected to see the claims rejected. Finally, he declared that the United States presented them for the explicit purpose of having them rejected and a sensible rule of international law established. But by this time the British public was in arms, and the Gladstone Ministry possessed too little freedom of action. The whole affair offered a memorable lesson to both governments upon the importance—nay, the necessity—of the utmost care and the closest scrutiny of future consequences in each step of a diplomatic negotiation.

BANCROFT DAVIS' telegram to Fish on June 27, 1872, is historic: "British argument filed. Arbitration goes on." The President and Secretary of State that afternoon were in Boston. When Fish had glanced at the telegram he handed it to Grant, who for a moment stood silent, tears of relief moistening his eyes. In England the heads of the Government felt the same emotion.¹ On the fateful 15th the Cabinet had sat in something like permanent session, Forster and Granville playing chess.² That night Gladstone waited anxiously with Granville at the Foreign Office. When just before midnight the telegraph brought details of the day's conciliatory proceedings, the Prime Minister rose in elated relief. "Thank God," he exclaimed, "that up to a certain point the indications on this great controversy are favorable."

From the end of June all went smoothly.³ Throughout July, throughout August, during the first fortnight of September, the Tribunal labored in the beautiful city of Geneva. The scene of its sessions remained the small but adequate Salle des Conférences in the Hôtel de Ville—now known as the Salle de l'Alabama. The public was excluded, but since counsel on both sides employed a number of solicitors, translators, and secretaries, the room was well filled. Count Sclopis, large of frame, courteous and dignified in manner, presided with uninterrupted vigor. On one side Jacques Staempfli, stout, swarthy, plain-featured, was the picture of an independent Swiss burgher. On the other d'Itajuba of

¹ The British Cabinet held a long session on June 12 (the day the Arbitrator, Counsel, and Agent left for Geneva) and discussed whether the Government should proceed according to the Treaty provisions, or let it fall to the ground. The Cabinet reached no decision. "But the best spirit prevails and Mr. Gladstone will do his best to bring the Treaty to a conclusion," the Prime Minister wrote the Queen. Gladstone Papers; copy through Mrs. H. W. Wells. Cf. *Letters to Queen Victoria, Second Series*, II, 213. On June 14 Gladstone explained the position to the House, and on the 15th wrote his wife: "I got as far as to have pretty effectual preparations made for the worst that can happen." Gladstone Papers.

² Forster's diary describes the events of the day with humor and vividness; Wemyss Reid, *Forster*, II, 31 ff.

³ News of the Tribunal's action on the indirect claims reached London June 19, 1872. "Hip, hip, hip, hooray," Forster wrote his wife. "My dearest, the final settlement of the indirect claims came during questions today, and Gladstone announced it amid great cheers on our side and the disgust of the Tories. This is a good year now, whatever happens." Reid, *Forster*, II, 33. When Fish heard the news, according to Thornton, he grumbled that he would have preferred to have the Tribunal assume jurisdiction. PRO, FO 5, 1403, Thornton to Granville, June 24, 1872, No. 441.

Brazil, small, frail, and refined, looked with his gold-bowed glasses like a college professor. But the most striking figures were Charles Francis Adams and Sir Alexander Cockburn. The former, short, bald, and ruddy, a fringe of white whiskers under his chin, might almost have sat for a portrait of his father, John Quincy Adams. His manner showed all the cold rigidity of the Adamses. In contrast, Cockburn's vivacity and excitability betrayed his Anglo-French descent. Short, bullet-headed, ruddy-cheeked, he had the eye of an eagle, while his hands, shoulders, and features were never still. A secretary wrote long after that this electric figure, alert at the end of the dignified row of Arbitrators, frequently bursting into explosive speech, seemed in memory to dominate the whole scene.⁴

Bancroft Davis, intensely suspicious of the British, eager to score for America in every possible way, had been busy for months influencing the press, working upon European opinion, and flattering the Arbitrators. His first act on reaching Paris the previous December had been to call with Elihu Washburne upon d'Itajuba. "I took care to say to him," he wrote Fish, "that we had read with pleasure and profit the Brazilian rules for the preservation of neutrality, and had incorporated a translation of them into the evidence to be submitted to the Tribunal."⁵

His second act was to make sure that the Americans got the French translation of their Case to the foreign Arbitrators before the British did. "This gives us an enormous advantage," he wrote Fish from Geneva on December 17.⁶ "Staempfli and d'Itajuba don't understand one single word of English, either spoken or printed. Count Sclopis reads it with fluency, but speaks but little. We therefore have the field to ourselves for the present, and must inevitably get our side of the story into the heads of the neutral Arbitrators before the British." Thus early he had appraised Staempfli as a solid man of obstinate character. "The Baron d'Itajuba evidently approaches the subject with an impression that we have suffered wrongs. He has a great deal to say about the Brazilian orders and regulations, which we have reprinted at length in our sixth volume. The British, I observe, in their Case give prominence to the

⁴ Hackett, *Reminiscences of the Geneva Tribunal*, *passim*; see also Roundell Palmer, Earl of Selborne, *Memorials Personal and Political*, I, 250 ff.

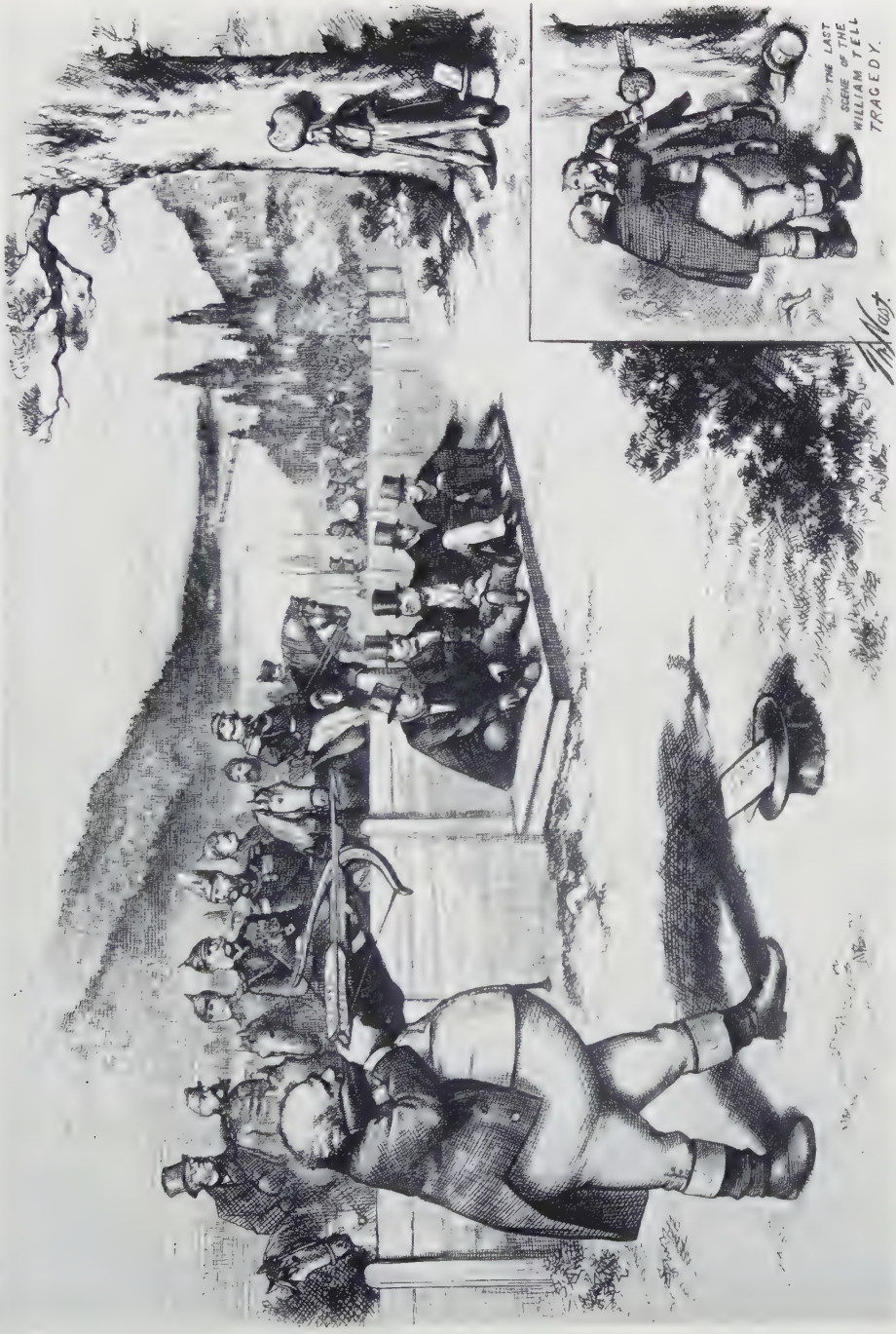
⁵ The Fish Papers contain nearly all Davis' letters; see also the Bancroft Davis Papers.

⁶ Bancroft Davis Papers. Davis was pleased by the attention his Case aroused. George Bancroft arranged a German edition at Leipzig, and Davis wrote Fish that it was "the most notable political book of the day in Europe."

seizure of the *Florida* at Bahia. On our side we shall make the most out of the Rules." Davis had a keen eye for personal foibles:

Count Sclopis . . . was made President nominally because Italy was the first neutral Power named in the Treaty, but really because he is the fittest for the place, and is the only man who has any knowledge of English. It so happened that the room was arranged with three seats and desks on a raised dais, with the central one one step higher than the other. Count Sclopis naturally took the central seat. Staempfli sat at his right, and Itajuba at his left. Mr. Adams and Sir Alexander Cockburn sat in chairs on the level of the floor in front of them. We thought the arrangement admirable. The next morning I was at the Bergues Hotel on my way to see Tenterden. In the hall I met the secretary, a friend and appointee of Staempfli. He wanted to know if I were going to Lord Tenterden's. I said yes. He said he should follow, as he wished to "address us." This formidable notice was followed by his coming into Tenterden's room. Standing before us, he said that he had come to make a reclamation on the part of Mr. Staempfli; that Mr. Staempfli thought the Powers in the Tribunal were on an equality, but that the Italian Arbitrator had been put in a higher chair, which implied superiority in Italy over Switzerland. We answered that that was an affair which the Arbitrators must regulate for themselves; that we had taken the room as furnished by the Swiss Government, and were not responsible for the inequalities in the level of the floor, and we added that we did not suppose that Mr. Adams and Mr. Cockburn by sitting in a lower seat than Mr. Staempfli and Baron d'Itajuba, intended to imply that America and Great Britain were inferior to Switzerland and Brazil. The matter was smoothed over, and at the second conference the Arbitrators all sat on the same level, much to their and our inconvenience. The manifestation was undoubtedly caused by disappointment. Mr. Staempfli expected to be named as the presiding officer. In that case he would probably have found no fault with the raised seat.

In January, 1872, Davis began a highly practical campaign to control the Continental newspapers. Schenck had told him that one reason the British press exploded so angrily was because the strength of the American Case worried it. "They are so evidently trying to forestall the effect of our Case and get possession of the public opinion of Europe," wrote Davis, "that I have written to Bancroft, Marsh, Rublee, and Jay confidentially, to see how the press is disposed at their different posts, and I have arranged to have Laugel sounded to see if he will write for the *Deux Mondes* a fair statement of our argument and proof. . . . If this should cost a little money, it will be money well spent." He thought the English were trying to affect Staempfli through the German press, and d'Itajuba thought the diplomatic corps in Paris. Several



THE GENEVA ARBITRATION
(Nast in Harper's Weekly)

Ministers proved helpful; Davis wrote on January 31 that George Bancroft and Horace Rublee were laboring amain with the German and Swiss press, and Marsh he hoped with the Italian. But others were disappointments. He sent Fish another bulletin early in February: ⁷

The general tone is against us in Paris. I am sorry to say that the Consul-General [John Meredith Read of Pennsylvania] does nothing to help us. He is so overcome with the grandeur of his English friends that he has little heart to say anything against them and for his country. Washburne is outspoken and strong—full of pluck—Jay [at Vienna] is weak as dishwater—needs a strong plaster put to his back every other day. I send with my dispatch today a copy of the last plaster I gave him. It is lamentable to have to use such tools in this work, but I suppose we must take Americans as we find them, and not quarrel with those who love the taste of an English Lord's backsides.

Fortunately for Davis, the French press has always been venal. Congress had appropriated \$250,000 for expenses of the Arbitration, and Davis at once drew upon the fund: ⁸

After consultation with Waite and Washburne [he wrote February 6], I have decided to close an arrangement by which we shut up at least some of the organs which England is trying to control. I enclose articles from the *Constitutionnel* and the *Soir*. I have already sent you the *Memorial Diplomatique*. I shall have the *Courier Diplomatique* in the same train, and shall have the support of the *Moniteur*, the *Patrie*, the *Presse*, and *Bien Public*. This list includes all the important political papers except the *Debats* and the *France*, and the *Journal de Paris*. The first two are bought by England; the latter I don't know about. All this costs money, but I shall take the responsibility, under Washburne's advice, of spending it. The article in the *Memorial Diplomatique* has been extensively copied and commented on, and has had a good effect in stiffening up public opinion here. The articles which are following are also doing good. The attacks from England were so steady and so persistent in misrepresentation that public opinion was beginning to set in strongly against us. It is now decidedly turning.

The British, Bancroft Davis wrote from Berlin, were spending money heavily on the German press, but with little result; partly because the government was against them,⁹ "I saw Bismarck last night. He approves our position thoroughly (on the indirect claims); tells us that England

⁷ Fish Papers; Bancroft Davis Papers.

⁸ *Ibid.* Davis found the purchase of the French press cheaper than Mussolini, who was reported (1935-36) to have spent a half-million dollars to buy its support in his aggression upon Ethiopia.

⁹ Fish Papers; Bancroft Davis Papers.

has nothing to do but go forward under the treaty, and abide the result of the Arbitration." Davis was urging J. Russell Jones in Belgium to secure the support of *L'Indépendance Belge*. He retained a German publicist named Brentano to write for the *Allgemeine Zeitung* and Frankfort and Zurich journals. By February 27 he was certain that "the Continental press is generally with us." Meanwhile, he arranged the preparation of two effective pamphlets by French authorities upon international law; one upon the general *Alabama* question, the other upon the indirect claims. The writings of the Belgian authority M. Rollin Jacquemyns and the Swiss German savant Bluntschli on the American side had indubitable influence throughout Europe.

At the same time that he was bribing or otherwise influencing European publicists, Bancroft Davis had been supervising the preparation of the American Counter-Case, a work decidedly longer (with its many documents) than the original Case. Caleb Cushing and Evarts both gave poor Davis much trouble. The former insisted upon including many old controversial papers going back to his Attorney-Generalship, and showed the petulance of age. The latter, who had little patience with the indirect claims, sometimes took positions which Davis thought likely to weaken the Counter-Case. Once when the Agent frankly told Evarts that he did not like something he had written, "he was in a pet, like a spoiled child." At times twelve clerks and eight or ten translators were employed. By this arduous labor, the Americans were ready with an impressive volume of rebuttal on April 15.

Work on the Argument did not begin until a month later, for Evarts had announced that he would make no argument unless there was to be a court. But it also was elaborate, embodying a well-considered reply to the British Counter-Case. The English were caught napping. Apparently convinced that the Arbitration would be postponed, they did little work, and their Argument presented on June 27th bore evidence of hasty preparation.¹⁰ It was called a "Summary," and fell far short of the closely-reasoned paper expected. In a letter to Evarts on June 17, Sir Roundell Palmer confessed that nothing adequate was ready by asking for a postponement to September to enable him to prepare one; a request which the Tribunal summarily denied.

¹⁰ The British Argument included a report by the Board of Trade on individual American demands for damages. It rejected the claims on the ground of increased insurance, and arrived at a sum of \$8,600,000 for the proper American claims.

I

As the Americans made the better preparations, so they had the better of the arguments before the Tribunal. Actual courtroom work began July 15. Sir Alexander Cockburn suggested that the Arbitrators deal first with general principles of law involved, and that the counsel assist them "so that arguments scattered over a mass of documents may be presented in a concentrated and appreciable form." This would have meant needless delay and confusion, for the abstract points of law were already fully discussed in the Cases and Arguments. Staempfli at once objected. The proper course, he said, was to take up specific allegations of unneutral conduct, scrutinize the facts, and then discuss and apply the law to each. Sclopis, d'Itajuba, and Adams supported him, and this course was followed. The Tribunal began by examining the case of the *Florida*, the first cruiser to escape. After discussing it, four of the Arbitrators, Cockburn dissenting, at once held Great Britain responsible for the damage she had done, though they reserved judgment upon a minor point. ✕

So the hearings went on. Other cruisers were taken up *seriatim*. Unquestionably several members of the Tribunal had preconceptions favorable to America. D'Itajuba was influenced by the strict neutrality regulations of the Brazilian Empire, while he told the British counsel, "You are rich—very rich." Staempfli felt the sympathy of a citizen of a federated republic for a government like his own. Even Count Sclopis may have been affected by the strong judgment which the Italian jurist Pierantoni (whether "reached" by Bancroft Davis or not) had just published in favor of the United States. At various points the excitable Cockburn, gesticulating and pouring forth a torrent of words, supported Sir Roundell Palmer in asking the Tribunal to hear arguments upon abstract questions of law. The first was upon the meaning of the words "due diligence"; the second upon the legal effect of a commission. In all, half a dozen such hearings were granted. The Americans objected. But they soon realized that Evarts and Cushing were getting much the better of these encounters. Bancroft Davis wrote Fish on August 6: ¹¹

¹¹ Fish Papers; Bancroft Davis Papers.

You will see that Roundell Palmer has had his way in making an argument. It was decidedly for the best that it should be so. The course which the English pursued to obtain it gained them nothing but ill-will from the other Arbitrators. The argument when in is weak, because he had no case to go upon. Our counsel are answering it with great power. The English went way beyond the permission of the court. We took no exception to it, as it opened up to us the full range of discussion, and enabled us to say some things which our counsel wanted to say. Evarts' speech of yesterday pressed them very hard. Roundell Palmer and Mountague Bernard sat before the Arbitrators making constant gestures of dissent, and the peppery old Chief Justice kept interrupting, but the more he interrupted, the harder Evarts bore down. Unfortunately the neutrals couldn't take it in. Itajuba read the newspapers, Sclopis went to sleep, and Staempfli alone paid close attention. However, we shall get it all in French, interruptions and all.

As the hearings proceeded, Cockburn greatly offended his fellow-Arbitrators. Extenuating circumstances may no doubt be cited for his rude and overbearing demeanour. He was overworked.¹² Before he came to Geneva his duties as Chief Justice had prevented study of the voluminous papers, and he had to shut himself in his rooms, giving no time to exercise, society, or recreation. According to Palmer, he was "conscious of intellectual superiority" to his colleagues. Assuredly he had no reason to feel superior to Charles Francis Adams, but he chafed over weaknesses in others which he scathingly described to Lord Granville. "We could not have had a worse man than Staempfli or next to him the President [Sclopis]. The first a furious Republican, hating monarchical governments, and Ministries in which men of rank take part, ignorant as a horse, and obstinate as a mule. The second vapid, and all anxiety to give a decision which shall produce an effect in the world, and to make speeches about 'civilization,' 'humanity,' etc., etc., in short *un vrai phrasier*. Baron Itajuba is of a far better stamp, but not sufficiently informed and very indolent; and apt by reason of the latter defect to catch hold of some salient point without going to the bottom of things. . . ." As the tide went against Cockburn, his temper became worse.

His excitement, anger, and rudeness became painful. His face flushed and eyes moistened as his bitter eloquence rolled forth; he gesticulated and pounded his desk until he upset the stationery of Count Sclopis

¹² See Caleb Cushing, *The Treaty of Washington*; Hackett, *Reminiscences of the Geneva Tribunal*, 214 ff., Roundell Palmer, Earl of Selborne, *Memorials Personal and Political*, I, 242-280, on Cockburn.

eight or ten feet distant. He spoke like a man unjustly treated by the Tribunal. He threw out reflections upon his colleagues— "There are men here not educated in the law, who are now examining questions about the great laws common to nations, for the first time." They plainly evinced their resentment. More than once Adams offered rebuke and protest. Staempfli, seeing that Cockburn regarded him as stupid and prejudiced, felt especially hurt. On August 1 Lord Tenterden wrote frankly to Granville of Cockburn's behavior: "The effect thus far is very damaging to our cause." In contrast, Adams was a model of austere self-restraint.

The American counsel, Evarts, Cushing, and Waite, were not abler than Sir Roundell Palmer (leader of the English bar) and Mountague Bernard, but they had better arguments. They worked in close harmony. "We have consulted freely and we have discussed largely in advance everything which had to be said or done by us," Cushing informed Fish¹³ as the Arbitration neared its close. "In writing, of course, we have needed to accommodate ourselves to one another's peculiarities in order to produce joint work which should receive all our signatures. I took care at the start to relieve the subject of all questions of seniority and precedence either in the distribution of work or in personal action before the Tribunal. In fine, as we have prosecuted the work in mutual confidence and goodwill, so we have arrived at the conclusion. . . ." Socially, the British and American counsel got on admirably. They fraternized at dinners, balls, and receptions. Between Evarts and Sir Roundell Palmer a positive affection sprang up, and in his memoirs the Englishman pays high tribute to the lanky New Englander as "a man of whom any country might be proud."

"I try to run along day by day with your proceedings," Fish wrote Bancroft Davis on August 6,¹⁴ "and imagine the Chief Justice mad and beating about, with Adams calm and cool, Cushing wary and watchful, Evarts self-possessed and dignified, Waite earnest and laborious, and you overworked as usual and holding all in hand." This fairly sums up his lengthy reports from Davis. The day of this letter Cushing delivered a remarkable "Reply Argument" to the main British defense, which surpassed even Evarts' best efforts. His secretary tells us that the compact, weighty, and eloquent paper was dictated in French almost word for word as later printed.

¹³ Cushing to Fish, Geneva, September 5, 1872; Fish Papers.

¹⁴ Letterbooks.

II

By mid-August it was certain the Tribunal would make an award in favor of the United States. Under the Treaty, it could order Great Britain to pay a sum in gross, or could set up a Board of Assessors to decide under its general findings which claims should be paid. Fish had instructed the American counsel the previous December to obtain, if possible, a gross award. Bancroft Davis concluded in August that the English counsel were determined to have a board created; and Schenck wrote him on September 1 that he believed this was likewise the wish of Downing Street.¹⁵ "They have been forced to conclude that they are to have some award made against them at Geneva; and they not only want to reduce the amount, by every captious objection, to the lowest possible sum, but they are sore and ill-natured at the thought of having anything to pay at all. I believe that they would rather give us (much as they love money) \$20,000,000 in a secret way, though, to square accounts, than to have \$1,000,000 publicly adjudged to be due and be compelled to pay it. Only think what a very bitter pill it must be to Great Britain, after being so long accustomed to extort satisfaction from other nations, to find a government that first makes her own her wrong in a Treaty, and then pay up." But this was conjecture, and we know now that Cockburn believed it desirable to get rid of the dispute at one sweep by awarding a lump sum.

But how much? The Tribunal requested both parties to prepare estimates. A battle of figures ensued. Details are obscure, and we do not know how the final total was reached, though Bancroft Davis states that it was by mutual concession, and Lord Tenterden that it was a compromise between rival figures of \$8,000,000 and \$14,000,000, plus interest. Almost every figure seems to have been mentioned! Cockburn thought that \$8,000,000 would measure the damage; d'Itajuba mentioned \$14,000,000 as suitable; and Adams supported a proposal for \$18,999,000 made by Staempfli. It was Staempfli, who enjoyed sifting statistics, who had most to do with the final computation.¹⁶

This battle of figures brought one dangerous explosion. When the American Agent and Counsel presented detailed estimates of damage,

¹⁵ Bancroft Davis Papers.

¹⁶ See Tenterden's dispatches to Granville, August 30, September 2, 1872; PRO, FO 5, 1407, 1408. Also Hackett, *Geneva Tribunal*; Cushing, *Treaty of Washington*.

Lord Tenterden attacked some of them with resentment. He was seconded by Cockburn, who in his overbearing manner virtually charged the American representatives with offering fictitious bills. One of his sentences, hastily rapped out, perhaps sounded more harshly than he intended. In a flash Charles Francis Adams had risen at the other end of the dais, and turning to face Cockburn, exclaimed in a voice that trembled with emotion, "I will not sit here on this Tribunal, and hear my country traduced!" He moved to leave the room. But Sclopis also leaped to his feet, extending his arms, and spoke a few calm but authoritative words. Cockburn, who realized that he was in the wrong, uttered a manful apology, and Adams resumed his seat. The incident thus ended as quickly as it had begun.¹⁷

The final session of the Tribunal on September 14, 1872, offered a dramatic scene. It met at half-past twelve of a refulgent day. The hall was crowded. Swiss officials, representatives of the European and American press, and the leading citizens of Geneva jostled for seats. For some unknown reason, Lord Tenterden and Sir Alexander Cockburn were late, until impatience turned into apprehension. Finally they arrived, and the protocol of the preceding meeting was approved. Then amid a breathless hush, the Secretary, M. Favrot, read in a firm voice the English text of the Award, a brief document of about 2,500 words.

It found Great Britain responsible for the damage wrought by the *Alabama*, *Florida*, and *Shenandoah* (after leaving Melbourne), and granted the United States a gross indemnity of \$15,500,000; the Tribunal being unanimous as to the *Alabama*, four to one on the *Florida*, and three to two on the *Shenandoah*. Duplicate originals of the Award were then signed by four of the Arbitrators, and copies delivered to the two Agents. Cockburn, who had scowled darkly during the proceedings, refused to sign. Instead, he arose and presented a statement of reasons for not assenting, which the Tribunal ordered to be received and recorded—a statement soon published in both England and America. Finally, with appropriate words, Count Sclopis declared the labors of the Arbitrators finished and the Tribunal dissolved. Applause rang through the hall; it was echoed outside by cheers and a salute of artillery, while Geneva, already decorated, broke forth in the national colors of Switzerland, Great Britain, and the United States.¹⁸ The thrill of that moment was felt throughout Europe, and has been given fine

¹⁷ Hackett, *Geneva Tribunal*, 322.

¹⁸ Cushing, *Treaty of Washington*, 128.

literary expression by no less a pen than that of August Strindberg.¹⁹

But meanwhile a strange scene had taken place within. "The instant that Count Sclopis closed," writes Cushing, "and before the sound of his last words had died on the ear, Sir Alexander Cockburn snatched up his hat, and, without participating in the exchange of leave-takings around him, without a word or sign of courteous recognition for any of his colleagues, rushed to the door and disappeared. . . ."

III

The verdict gave Fish the utmost satisfaction.²⁰ It is true that he had grumbled to Thornton in June that he wished the Tribunal had assumed jurisdiction over the indirect claims. He also thought that other vessels ought to have been included. When he first received confidential information that the *Georgia* had been ruled out, with Charles Francis Adams agreeing that England was not liable for her acts, he wrote Grant in deep disappointment.²¹ "The depredations committed by the *Georgia* were less extensive than those of either of the cruisers fitted out in England. Her career was comparatively short, but she did a large amount of damage, and I cannot understand the ground on which Mr. Adams has given the opinion in favor of England in the *Georgia*. I thought it as bad as any." But Grant took the news with equanimity.²² "I received your note reciting a paragraph from a private letter from Bancroft Davis. I was not much surprised—would not wonder if the whole case, except the *Alabama*, went against us. Would we not be better off if it did? We do not want to be bound by too strict rules as neutrals." Fish also regretted the relinquishment of the costs of pursuit. But they would have been hard to separate from the other expenses of the war; and had they been allowed, the precedent might have enabled some future belligerent to saddle a neutral from whose ports a hostile cruiser escaped with the upkeep of a large fleet.

On the whole, the United States received as much as it could justly expect. Its counsel, as Cushing admitted, had never felt real hope of winning damages for the *Sumter*, *Tallahassee*, *Nashville*, and *Chickamauga*, and were not "seriously disappointed" by failing with the

¹⁹ *The German Lieutenant, and Other Stories*.

²⁰ For the verdict and award, see *Geneva Arbitration*, IV, 49 ff.; John Bassett Moore, *International Arbitrations*, I, 653-659.

²¹ Garrison, August 19, 1872; Letterbooks.

²² Grant to Fish, Long Branch, August 24, 1872; Fish Papers.



From the Century Magazine

FINAL SESSION OF THE GENEVA TRIBUNAL: COCKBURN'S EXIT

Left to right, *Rear*: Waite, Evarts, Cushing, Davis, Adams, Staempfli, Sclopis, d'Itajuba, Cockburn. *In front*: Tenterden, Palmer, Bernard.

Georgia.²³ The American claim for "prospective earnings and freight" was too flimsy to sustain. No court, municipal or international, admits prospective profits as an element of damages. Nor was the cash award ungenerous. The claims filed by American citizens for the losses caused by the *Alabama*, *Florida*, *Shenandoah*, and *Georgia* had amounted to \$12,838,000; add interest from 1865, and the total would come to about \$20,000,000. But this estimate was that of claimants themselves, and claimants always exaggerate. Deduction of one-fourth for this exaggeration would bring the total to \$15,000,000. More important than the precise sum were the findings of the court as to "due diligence." They were exactly what discreet Americans desired; for while they censured Great Britain for three instances of culpable and flagrant negligence, by rejecting the dubious instances they refused to create a precedent which might later embarrass the United States above all other nations.

The Tribunal, required by the Treaty "to be governed by the Three Rules therein specified," naturally gave its interpretation to these Rules. The construction which it placed upon them was that which Cushing, Evarts, and Waite vehemently advocated, and which the British counsel opposed; and Cushing soon afterward wrote of the American victory as a great triumph. But some American observers were not so sure. They believed that the adoption and interpretation of the new Rules might yet be found to place a very undesirable burden upon the United States as a future neutral. For the Tribunal clearly set forth three propositions as springing from the Rules. First, it declared, a neutral has absolute international duties, quite apart from the provisions of its own national laws; second, its own municipal law is in no sense or degree a criterion of these duties; and third, "due diligence" is a variable matter, to be exercised in exact proportion to the risks which either belligerent runs from a failure of neutrality. A commentator in the *Nation*²⁴ urged that since hereafter this construction and its practical consequences must weigh heavily against the United States—for in recurrent European wars America would be the greatest of neutrals—our government should drop the Three Rules. Many Englishmen were anxious to do so; and it was shortly moved in Parliament that in bringing them to the notice of foreign Powers, as required by the Treaty, the government should express dissent from the Geneva interpretation. Of Fish's attitude we shall say more later.

²³ Cushing to Fish, Geneva, September 5, 1872; Fish Papers.

²⁴ May 1, 1873.

"We are quite content with the Geneva Award," Fish wrote to Elihu Washburne.²⁵ "It decides that 'Great Britain was culpable.' That is the great point on which our people had any feeling. The *amount* awarded has been of secondary consideration with the people. The Administration strove to make it larger, but I shall not be surprised to find it sufficient to indemnify every actual loss sustained at the hands of the inculpated cruisers. Claimants are very expert in making out the figures of their claims." He added some appreciative words upon Bancroft Davis. "Working as few men can work, both laboriously and intelligently, he has been overwhelmed with bucketsful of sheer blackguardism and falsehood. He will, however, find his reward in time and in the justice of the public mind, if in nothing else." To Davis he sent the warm gratitude of the Administration, with assurances the President intended at an early date to give him some suitable reward.²⁶

Inevitably, the decision brought its controversies. Annoyed by inaccurate newspaper criticism of the State Department, Fish had Adam Badeau write a review of the events leading up to and following the Treaty of Washington. It proved an expert, lucid, and at points penetrating history of the Treaty and the subsequent dispute over the indirect claims. Grant and Fish read it, and Fish sent it to George William Curtis, who inserted it in *Harper's Magazine* for November, 1872—unsigned. But one section gave offense. Badeau stated that "occasional articles in the American press, written by Englishmen who happened to have control of a newspaper published in the United States, or access to its columns, were paraded as evidence of what the better sort of Americans thought of the claims." This shaft was aimed at George Jones of the *Times*, and Jones bristled angrily.²⁷ Meanwhile friends of the Administration were irritated by a speech which Evarts made in New York on December 23. Responding to a toast to the Geneva Tribunal, he passed over Grant, Fish, and his own colleagues without a word, and declared that it had been the great Secretary Seward who "was able without war . . . to establish the principle of arbitration between England and us."²⁸ Could anything, demanded Bancroft Davis, be more cold, selfish, and malicious?²⁹

²⁵ Washington, October 7, 1872; Letterbooks.

²⁶ October 31, 1872; Letterbooks.

²⁷ Fish to John C. Hamilton, December 22, 1872; Letterbooks.

²⁸ N. Y. *Times*, *Tribune*, December 24, 1872.

²⁹ Davis to Fish, New York, December 24, 1872; Fish Papers. But Evarts meant no disrespect to Fish. He sent the Secretary an inkstand bought in London "which dates from the time when the two nations, whose great litigation you have brought to so

But the worst storm was excited by Caleb Cushing's indiscreet book *The Treaty of Washington*. The principal object of this 250-page philippic was to retaliate upon Sir Alexander Cockburn for his provocative conduct at Geneva. The Americans had deeply resented Cockburn's cutting remarks during the sessions.³⁰ The "Reasons" which he delivered at the close were not a calm judicial document but a heated partisan argument, embodying allusions to the American counsel, their use of fact, and their arguments, which were insulting in the highest degree. He deserved castigation; but unfortunately Cushing supplied it with personal abuse and not a calm, severe analysis of his official labors. He called this most rigid, honest, and independent of Britons a Dugald Dalgetty, made other misleading charges, and in the end actually put American reviewers in the position of defending Cockburn.³¹ The *Times* pronounced the book "execrable"; the *Evening Post* called it a "libellous assault"; the *Tribune* editorially described it as "inopportune, indecorous, and in every way inexpedient."³² The best to be said for it was that it expressed the irritation of many Americans, and showed Englishmen how badly Cockburn had behaved.

Schenck wrote to Fish from London in the spring of 1873 that he had just met Motley at the Foreign Office dinner on the Queen's birthday.³³ "Have I ever told you how like a fool, with his puerile resentment, my predecessor has behaved? He has been here a number of times last year and this, but never comes near me or my family or the Legation—neither he nor any of his!" At the dinner the Ohio General stalked up to the historian with a bluff greeting. "He was confused—tried to stammer out explanations—was quite cordial;—but has never called on me; and it is now a week since." Schenck concluded: "Can't great men be small ones sometimes?" In reply, Fish alluded to the continued evidence of British resentment over the *Alabama* affair.³⁴ Since the distribution of Bancroft Davis' report on the Arbitration, "John's tail is straight up in the air and he dashes about, rushing at red rags in every direction." Fish had announced that he would pigeonhole Cockburn's "Reasons"

prosperous an end, were comprehended in one and lived under one King"; asking Fish to accept it "as a token of the respect and esteem, in this as in all things, of . . . William M. Evarts." November 2, 1872; Fish Papers.

³⁰ For Cockburn's voluminous opinion, see *Geneva Arbitration*, IV, 230 ff. See Davis to Fish, *ibid.*, 12, 13; Hackett, *Geneva Tribunal*, 356 ff.; Moore, *International Arbitrations*, I, 659 ff. Fish called the opinion "an extraordinary document;" *Geneva Arbitration*, IV, 546 ff.

³¹ *Nation*, May 1, 1873.

³³ May 31, 1873; Fish Papers.

³² Fuess, *Caleb Cushing*, II, 351, 352.

³⁴ June 15, 1873; Letterbooks.

for reference in future disputes with England, and the London *Times* had called this monstrous. "The future," commented Fish, "will lead them to think that it was something else than monstrous, viz: That it was 'troublesome' there and 'useful' here." The Secretary remarked that the discussion in the House of Commons on the Three Rules and the indirect claims showed much slipperiness and dishonesty. "I question if the biggest scalawags in our Congress could teach these fellows much in the way of sitting astride a fence, of riding two horses at once, or of open barefaced impudence and downright lying." He concluded:

Is Cockburn about to reply to Cushing? The latter's book was very sharp; possibly it might have been as effective with some passages suppressed and some expressions omitted, but it puts forth some facts in unmistakable language, more direct perhaps than polite. Cushing professes to desire a reply from Cockburn, to justify a replication. He says that his heaviest shots are still in the locker.

IV

It is fitting to record here the quiet scene which finally closed the Geneva Arbitration. Early on September 9, 1873, Fish arrived in Washington from Garrison.⁸⁵ A little later Sir Edward Thornton and Edward M. Archibald, the British consul-general in New York, called at the Department. Thornton sat down, remarking: "I believe my government owes the United States a sum of money, which it is my purpose to pay today." Taking out a pocketbook of Russia leather, and asking for a pen, he added, "I will soon settle this little outstanding indebtedness." He then produced a certificate of deposit with the Treasurer of the United States of \$15,500,000, and a receipt. Fish signed the receipt and the certificate was handed to him. When the Englishmen departed, Fish and Davis personally took the certificate to the Treasury Department; where, in accordance with law, the money it represented was invested in five per cent government bonds to be held subject to the disposition of Congress. The receipt still hangs framed on the walls of Downing Street, both a grim reminder to British Governments of the penalties of carelessness in enforcing the rules of neutrality, and a priceless memento of the victories of peace.

⁸⁵ Diary, September 9, 1873.

A WEEK after Grant's inauguration realists had begun to suspect that he would not prove the greatest President since Washington. A year after, many were convinced that he was not even the greatest since Lincoln. Charles A. Dana became sulphurously denunciatory in the spring of 1869. That fall Henry Adams, Boston cambric to nose as he investigated the Black Friday stench, wavered between incredulity and despair. By the following spring Horace Greeley was growing peevish, and his bright young men were penning satirical paragraphs; only Grant's early conversion to total amnesty could placate the *Tribune*—and he remained unconverted. Then came Grant's worst fortnight since Cold Harbor: the fortnight of the Santo Domingo defeat, Hoar's and Motley's dismissal, Fish's temporary decision to leave. After that crisis, desertions became a steady stream. Editors like Samuel Bowles, Horace White, E. L. Godkin, William Cullen Bryant, gathered in clubs, Republican ink still on their fingers, to ask if seven years more of Grant were really a necessity. In a little while they began to ask if they were even a probability. What if the plain man found out the President?

There was small danger. The plain man had not elected Grant; he had elected an indestructible legend, a folk-hero. At its heart was Grant the reality; but the only change easily comprehended in the reality was that he wore a glossy silk hat instead of a black felt campaigner. Mention that monosyllabic name, and the prosaic laborer, farmer, clerk, or business man for once in his life saw a vision. It was a vision of four years of terror and glory. Painted on the clouds above his farm or shop, he saw the torrent of muddied blue uniforms rallying on the bluffs of Shiloh; he saw the butternut rush dissolving against a smoke-wreathed wall at Gettysburg; he saw the night ripped by shells and rockets as gunboats spouting fire raced past Vicksburg; he saw the lines at Look-out Mountain waver, reform, and go on up; he saw two armies wait as Lee walked into the parlor at Appomattox. He heard the crackle of flames mingle with the roar of musketry in the Wilderness; the camp-fire chorus of "John Brown's Body"; the steady clapping as Sherman's army rolled down Pennsylvania Avenue. Clay from Illinois had saved the nation. The part of it called Lincoln was now clay indeed; the part

called Grant had proved itself the will incarnate of the nation, and was rightfully in the White House. No conceivable error of Grant's could destroy these visions. Charles Sumner in revolt spoke of the gratitude due his own services to the nation. *His* services! There was one man whose services were really worth remembrance through thick and thin, through good and evil report, to whom endless gratitude was due. There was only one.

This man, so ignorant, so clumsy, so docile in his honest way to the most dishonest influences, to the deeper view so pathetic; this legend, so stirring, so impressive, so eminently one of the glories of the nation and the race—their incongruity pained and alarmed observers like Fish. For the legend was clearly an enormous force, an engine fit for a Titan. Properly used, it might remould America nearer to the heart's desire. Perverted, it might bring injury on tens of millions yet unborn. And the creator and wielder of this Titanic engine was at once weak and strong, naïve and inscrutable, reckless and plodding; a bundle of perilous contradictions. The levers of the engine were gripped by a stubborn boy. At times Fish believed that from the wreck of past hopes some splendid achievement could yet be built. He had kept Behemoth, so destructive of other men's dreams, from trampling his own handiwork; he had even used the legend to awe Congress into keeping peace with Spain, to win acquiescence when he settled with England for a few millions instead of half a continent. But there were dark moments when the legend seemed a force as cataclysmic as it was vast, a Mississippi on the rampage. Hoar, ejected from office and pleading with Fish to remain, declared solemnly: "You are the bulwark now standing between the country and its destruction." Was there any sure bulwark? Fish thought that it was not to be found in himself—a stiff, conservative, elderly gentleman, an ante-belium Whig dragooned into Republicanism, an aristocrat, a man without any political following whatever. But then where? In Sumner and Schurz? He would have laughed.

I

Washington was a microcosm of America; in it were reflected all of the forces playing upon Grant. And Washington, robust, rollicking, aggressive, corrupt, was a centre which can scarcely be drawn as it was without seeming a caricature. Small compared with the capital of today,

it was large enough to be several cities in one. Fish knew best the Washington of politics. 'You can't use tact with a Congressman,' Henry Adams reports a Cabinet officer saying. "A Congressman is a hog! You must take a stick and hit him on the snout!"¹ While that sounds like Rockwood Hoar, it may have been Fish. But the image of the swine-pen is too gross. It was rather an auction room, a gallery where men interspersed patriotic platitudes with bids for sectional advantage, class advantage, above all the advantage of special interests.

Look at them! Simon Cameron, a shrewd, high-bred face, the austere look of a Covenanter, the high forehead of Sir Walter Scott—and behind that forehead the schemes of the Pennsylvania Railroad and the Monongahela ironmasters. Carpenter, dark, ponderous, buttoned tightly as if he held himself in with difficulty, an organ voice; deemed in Wisconsin a second Daniel Webster, but a Webster who thought only of tariffs, subsidies, and votes. Conkling, glossy auburn curl, Apollo-torso, fashion-plate clothes, ambition personified—but all his ambition directed to machines, wires, and spoils. Stewart of Nevada, blonde, burly, with a ruddy outdoor look as if the Sierra winds still played with his locks; actually a pocket-borough man at home in the offices of mining corporations and the Pacific railroads. Morton of Indiana, able to give even Blaine of Maine lessons in matador-waves of the bloody shirt, while springing gracefully aside for another thrust at the bleeding carcass of Jeffersonian and Lincolnian democracy. Banks, his small head crowned by rich masses of brown hair; Logan with his dark, sombre countenance and Indian-like mane; the elegant Fernando Wood, looking as if he belonged in the French Chamber; Bingham with his sharp-cut Roman face—all shrewd, adroit, empty, and on the make. Garfield, so versatile, brilliant, and full of the platform grace of a former preacher, that one forgot his quicksilver traits. And the salt that leavened the whole lump: honest Lyman Trumbull of Illinois, honest Timothy Howe of Wisconsin, honest Bayard of Delaware, honest William A. Buckingham of Connecticut, honest, fanatical Parson Brownlow of Tennessee.

Most of these men were Senators. We were nearing the ideal of government of the people, by the people, for the Senate, attained in Nelson W. Aldrich's time. The most exclusive club in the world was already taking on a millionaire flush. Few members approached the wealth of Sprague of Rhode Island, but even Simon Cameron paid \$1,000 a month

¹ *Education of Henry Adams*, 261.

for his quarters at the Arlington. Everywhere in the capital money talked. Grant's White House dinners for thirty-six, with wines, cost \$1,500, even \$2,000; Secretary Fish (who could afford it and whose diplomatic entertainments demanded it) spent far more than his salary; ² lesser figures lived profusely. Every winter until 1873 representatives of the Eastern press spilled adjectives over the "brilliant" social season; dilating on "the stately Mrs. Thornton," "the accomplished Mme. Gerolt and her fascinating daughters," and "the ravishing Kate Chase Sprague," they gave half a column to Mrs. Grant in full-flowing pink grenadine, flounced satin overskirt, japonica hair-adornments, diamond necklace, and gold fan. But if money talked brilliantly, little else in Washington did. Most of the conversation flowed to politics, power, and pelf. The atmosphere hardly favored intellectual honesty. When Senator Ratcliffe attacked the evolutionary theory, Mrs. Lightfoot Lee asked him not to be too hard on the monkeys: ³ "They are not in public life; they are not even voters; if they were, you would be enthusiastic about their intelligence and virtue."

Like America, Washington was half-built, war-littered, the scene of appalling contrasts; full of ambition, slovenliness, greed, and idealism, with touches of elegance and distinction. Shining carriages laden with sealskins and diamonds stuck in the mudholes of unpaved streets. Mansions resplendent with crystal chandeliers, mahogany, and silver stood beside Negro shacks. Livestock shared the streets with the new horse-cars; a Civil War hero, returning from church, found a steer asleep in his vestibule. Washington Monument was half-finished, a derrick pendant from its top. Reminders of the war were strewn everywhere: the ring of decaying forts around the city; lines of unpainted sheds built for army mules; colored uncles freed from the plow to hawk sassafras, crabs, and hot hominy about the Centre Street market below Capitol Hill. While George Dewey, Henry Adams, and Moorfield Storey waltzed with the belles, less fortunate young men—Lester F. Ward, John Burroughs, A. F. Bandelier—toiled in government offices for a pittance.⁴

Lafayette Square was society. In a little circle about it were Fish's house (Fifteenth and I); those of Robeson, Creswell, Sir Edward

² Account-books are preserved in the Fish Papers.

³ Henry Adams, *Democracy*.

⁴ See G. A. Townsend, *Events at the National Capital*; E. W. Martin, *Behind the Scenes in Washington*; M. C. Ames, *Ten Years in Washington*; David Macrae, *The Americans at Home*, I, 92 ff.; Helen Nicolay, *Our Capital on the Potomac*; W. B. Bryan, *History of the National Capital*, II.



Act of March 27, 1869



It is hereby certified that

No. 1. Have been deposited with the Treasurer of the United States No. 1.

Payable in

GOLD

At his Office

To DREXEL, MORGAN & Co. MORTON BLISS & Co. J. V. GORRILL & Co. or their order.

Washington September 1869

John Wilson

Approved William A. Richardson.

E. D. Smith

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W. A. H. Winchester or
Cashier of the Bank

W. A. H. Winchester
Cashier of the Bank

PAID IN FULL

Thornton, General Sherman, Colfax, and other luminaries; the four-story mansion Sumner built for the bride who deserted him. Out in Georgetown dwelt the Antiques, select families chiefly Southern, often of historic names, who respected Banker Corcoran but looked down on Cabinet members. On Capitol Hill a few stubborn Congressional leaders clung to the red-brick houses; bachelors even maintained two or three oldtime messes. These were all recognized centres of the city, pivots of social intercourse. Another precipitant in the Washington ferment was offered by the hotels. At Willard's, which had grown from a steward's business on the Hudson steamboats, at the New National, where Clay died, at the shining new Ebbitt House, generals, Supreme Court justices, and Senators were gaped at. The Wormley and Arlington were more exclusive; wealthy New Yorkers, titled foreigners, and rich lobbyists shut out most politicians. On Fourteenth just off Pennsylvania Avenue was Newspaper Row. Here in the summer heat chairs stood under the trees; darkies came running with juleps and sherry cobblers; rhetorical prestidigitators—Dana, Murat Halstead, Watterson, G. A. Townsend—got down to the hardpan of politics with Congressmen.

But some less savory parts of town were equally important. The lobbyists had a capital of their own. Old as the republic, the corporation era was making them unprecedentedly rich and impudent. They had called dashing young women, the Laura Hawkinsees of the Gilded Age, to their aid. They boasted men of mark and power. Cornelius Wendell had won fairer treatment for the whiskey industry. Henry D. Cooke represented his brother Jay Cooke and other railway barons. John L. Hayes, with skill acquired before the war as agent for iron interests, influenced tariffs for the benefit of the wool interests. Agents of Collis P. Huntington poured out a Pactolian stream, and discreetly made no accounting. A Congressman who knew one or two of these men might go home much the richer.⁵

But the king of the lobby was Sam Ward, brother of Julia Ward Howe, wit and *bon vivant*, who had come to Washington long ago as agent of the Barings and had stayed to serve others. He really did something for American civilization; at his quarters on E Street Plaza dining was an art. Like Webster, he went marketing for his own terra-

⁵ E. P. Herring, *Group Representation Before Congress*, gives a modern view of the lobby.

pin and canvasback; he imported his own China tea and blended his own coffee; he discussed wines with the best European Ministers. Sometimes with a shudder, he studied the gustatory tastes of committee chairman. To House investigators he once quoted Talleyrand,⁶ "Diplomacy is assisted by good dinners." With the help of an expert chef, he said, a man could ask a civil question and get a civil answer. "We keep up a certain circle of friends, and once in a while an opportunity comes of getting something that is of real service, and for which compensation is due and proper. But the entertainments are proportioned to the business of the season. When business is good, so are the entertainments." Ward's political friends usually saw to it that business was good.

Goals may be achieved in various ways. At John Chamberlain's sumptuous restaurant—first near Willard's, but after 1873 in the former British legation at Seventeenth and I—guests could retire to small upper rooms with black walnut panelling and English hunting prints; waiters deposited cards, cigars, and Bourbon.⁷ Here, strange to say, practised lobbyists often lost large sums to green Congressmen. Other gambling-houses were frank and unashamed. They clung to the region of the hotels and Newspaper Row. Over soft rugs, past oil paintings, marched politicians, financiers, and plain citizens. Everybody knew the story of Thad Stevens pausing in front of one to hand his night's winnings to a Negro deacon collecting money for a church, and ejaculating: "God moves in a mysterious way his wonders to perform." The chief of police reported on July 1, 1869, that in three months he had broken up fifteen gaming-places, but that since Congress had adjourned thirty had closed voluntarily; good evidence that Charles James Fox still had his followers. A long war on the gamblers during Grant's first years achieved something, and the depression after 1873 did more. But not even the depression materially injured business in one part of town—the "Division," part of the triangular area between the Mall, the E Street Plaza, and Pennsylvania Avenue, given over to groggeries and houses of ill-fame. Good Washingtonians ignored the Division, and history has emulated them. But it was no insignificant fact of post-bellum life in America that a generous strip of the national capital, planted squarely between the halls of Congress and

⁶ House Committee Report 268, 43rd Congress., 2nd sess., 408–410.

⁷ See *N. Y. World*, January 18, 1876, for a description.

the White House, was given up to protected vice.

Yet on the whole, more of sweetness and light was found in Washington than readers of *Democracy* and *The Gilded Age* would suppose. When there gathered about Fish's mahogany tree such men as General Sherman, Hannibal Hamlin, Rockwood Hoar, and the sparkling Evarts or urbane Caleb Cushing, the talk reached a rare level of sense and wit. The plain solid people in the plain solid houses on F and G Streets—the Middle Ground Aristocracy, Mark Twain called them⁸—deserved high respect. There were some true intellectuals; the Literary Society which John G. Nicolay, Lincoln's private secretary, had founded, and of which Garfield was president during part of the Grant period, drew distinguished visitors—George W. Curtis, Bayard Taylor, Oliver Wendell Holmes. So did the Saturday evening salon of Cornelius King on H Street. The scientists had a sphere of their own, centring in the Smithsonian Institution, though Dr. Henry, Clarence King, and F. V. Hayden went everywhere. A Congress which numbered the philosophical Lamar, the adventurous Schurz, the courageous Lyman Trumbull, the scholarly George Frisbie Hoar, to name but a few, could not be dismissed with a sneer. The hundred members of the diplomatic corps lent a cosmopolitan touch. Laxity of moral tone? In good society the tone was severely Victorian. Outside it, some of the laxity could be forgiven a youthful republic which had just emerged from one of the most terrible ordeals, one of the fiercest exertions, a nation has ever faced. There are times when peoples, like individuals, recover from intolerable tension by going on a spree.

But the dominant note in Washington was not laxity; the two strongest notes were vitality and heterogeneity. The *nouveaux riches*; the military strutters; the grotesques like Sumner, Ben Butler, and Conkling, more incredible than characters in Dickens; the lobbyists; the prostitutes, bummers, gamblers; the \$600 a year clerks; the hungry, shivering Negroes; diplomatic eccentrics like the hot-tempered Mme. Catacazy, or the niece of Dictator Rosas who wrote a French yellow-back called *Love in the Pampas*, or the querulous Baron Gerolt—these made up a picturesque and vivid world. It might be uncomfortable to ride to a costly banquet past the open sewer of the "Tiber" canal; it might be disconcerting to view contrasts like that between Zach Chan-

⁸ Mark Twain and Charles Dudley Warner, *The Gilded Age*, 295 ff. See Gail Hamilton, "The Display of Washington Society," *The Galaxy*, June, 1876.

dler and his wife—he rough, loud-voiced, vulgar, she a woman of fashion, icy in reserve, with Worth gowns; later it might be sad to think how Washington honored bribe-takers like Colfax and Belknap while ignoring a truly great Southern leader like Benjamin H. Hill. But the capital had one merit—it was interesting. Correa da Serra had called it the city of magnificent distances; Dickens, the city of magnificent intentions. After the war it evinced a certain maturity, and under Boss Shepherd was soon on the way toward realizing some of the intentions. Long an overgrown Southern village, then briefly a great military camp, at last it really mirrored the spirit of the ambitious, fast-growing republic. For the dominant notes in the life of the republic were also heterogeneity and vitality.⁹

II

The White House was inevitably the centre of Washington social life—a restored centre, for the long feud between President Johnson and Congress had temporarily isolated it.¹⁰ The code of etiquette which President Washington, after consulting with such friends as Hamilton, Adams, and Jay, had drawn up in 1789, and which had been somewhat modified by Presidents Jefferson and Madison, still governed the social observances of the Administration. The reception on New Year's day, when the diplomatic corps presented themselves in court costume and the army and navy officers in full uniform, opened the season. The President held other receptions, roughly one each week, for stated groups of guests—usually first the Cabinet officers, then the diplomatic corps, then the justices of the Supreme Court, then the Senators and Representatives, and finally the principal army and navy officers. Guests filed through the Red Room, the Blue Room, where the President and his wife greeted them, and on through the Green Room into the East Room, where they chatted. If the reception were large, it imposed a heavy strain on the hosts. Henry Adams, describing one in his novel *Democracy*, tells how his heroine Madeleine, taking her place in an interminable line, finally “found herself before two seemingly mechanical figures . . . both their faces stripped of every sign

⁹ William Saunders, *Through the Light Continent*, 88 ff.; G. M. Towle, *American Society*, I, 23 ff., 78 ff.

¹⁰ See W. H. Crook, *Through Five Administrations*, 155–222, for the White House under Grant; and Anon, “Life at the National Capital,” *Lippincott's Magazine*, December, 1873.

of intelligence, while the right hands of both extended themselves to the columns of visitors with the mechanical action of toy dolls. . . . There they stood, automata, representatives of the society which streamed past them." On New Year's Day, the Fourth of July, and at the fortnightly levees, when the whole world might come, the crush was ruinous to gowns and tempers.¹¹

Mrs. Grant, a comfortable, matronly woman with an unhappy squint and very plain manners and tastes, had her reception day first on Tuesdays, and after 1875 on Fridays. These afternoon receptions were also open to the entire public, though most of the guests were Washington women. Until this time Presidents' wives had almost always received alone. But Mrs. Grant usually invited several women of prominence, the wives of Cabinet members or Senators, to receive with her, thus pleasing them and her guests while lightening her own burden. As the Cabinet also met on Tuesday afternoons, not infrequently the President and some of the Secretaries, as it broke up, would come in to help her greet the visitors. Fish liked to do so. These afternoon receptions were highly popular, and contributed to the warm liking of Washington for the Grants. When not entertaining, the Grants dined regularly at five, and went to bed at ten o'clock.¹²

White House dinners were more elaborate than they have been under most subsequent Administrations. The Italian steward, Melah, whose salary was paid by the government, delighted to serve a repast of twenty-five or even thirty-five dishes, beginning with soup, fish, filet of beef, leg of partridge, and other meats, and ending with frozen punch, Melah's own famous rice pudding, peaches, confectionary, nuts, ices, and coffee. Six wine-glasses were placed at every plate, and a new wine was poured for every third course.¹³ The state dining-room, one of the handsomest apartments of the White House, truly baronial in proportions, was then furnished with sombre heaviness.¹⁴ But the horseshoe-shaped table, with its large flower-decked mirror in the centre—an ornament which could be so placed as to shield the President from any guest with whom he did not care to talk—was laid with beautiful crystal, china, and silver. The President and Mrs. Grant always occupied seats on either side the centre of the table, for they could bet-

¹¹ Marion Gouverneur, *As I Remember*, gives impressions of social Washington in this period; see also Emily E. Briggs, *The Olivia Letters*.

¹² Bryan, *National Capital*, II, 571; cf. Jesse Grant, *In the Days of My Father*.

¹³ Briggs, *Olivia Letters*, 204 ff.

¹⁴ Martin, *Behind the Scenes in Washington*, 376.

ter direct the conversation from these points. Dinner was at seven; it seldom occupied less than two hours; and after it was over the guests repaired to the Blue or Red Room, where they conversed for perhaps fifteen minutes before the President gave the signal for breaking up. These entertainments were costly and the doubling of the President's salary in 1873 came none too soon.

President Grant had no hesitation in violating long-standing customs of the White House, for he disliked to be bound by tradition. Previous executives had felt constrained to entertain all Senators and Representatives at dinner, but as Congress grew, the difficulties had increased. Andrew Jackson had invited the members in alphabetical order, and by giving two dinners a week had fulfilled his assumed obligation to all. But Grant adopted an entirely new course. He invited only what Senators and Representatives he pleased, and asked their wives with them. Considerable tact was shown in making up the lists of guests, those who were asked felt that they were really wanted, and the innovation pleased Congress instead of offending it. Another precedent, dating from Washington's day, bound the Chief Executive to accept no invitations to dinner outside his official family, and to pay no visits of ceremony unless another chief of state came to the capital. But Grant and Mrs. Grant—particularly the former—dined out at their pleasure, and without hesitation accepted invitations to evening parties.

While the President's household life necessarily had its glittering side, while on the evening of a reception or dinner there was something impressive in the driveways crowded with carriages and finely matched bays or blacks, the brilliantly illuminated rooms brave with flowers, gowns, and gold braid, the scented conservatory, the Marine Band in its scarlet uniforms, nevertheless the Grants were essentially very simple folk. The family was interesting. When they entered the White House Nellie, whose bright eyes, sweet face, and quick ways made her remarkably attractive, was seventeen; Fred was nineteen; Ulysses S., Jr., familiarly called Buck, was sixteen; and Jesse, the youngest, was eleven. Even Jesse could remember the pinched days in Galena when his father came home tired and discouraged from the leather store,¹⁵ while Fred could recall the still harsher years in the log cabin a few miles outside St. Louis, where Grant was unsuccessfully tilling the

¹⁵ Jesse Grant, *In the Days of My Father*, 9 ff.

farm he named "Hardscrabble." Besides the children, there was the grandfather, "Colonel" Frederick Dent, onetime slave-holder, owner of the large plantation "White Haven" near Jefferson Barracks in Missouri, and in his own estimation a Southern gentleman. He had been a Jacksonian Democrat and a Confederate sympathizer, and had called his son-in-law a renegade when he went into the Union Army; now he liked to loaf in the big reception hall with the politicians, smoke cigars, drink juleps, read newspapers, and abuse the Yankees. "The General's really a Democrat, only he don't know it," he would tell callers confidentially.¹⁶ There were other Dents, some transitory, but one a permanent inmate of the Executive Mansion—Frederick Dent, Jr., Grant's brother-in-law, who made appointments and received callers. Occasionally the President's father, Jesse, postmaster at Covington, Kentucky, came to Washington. But he seldom slept in the White House, observing spitefully that it was too full of the Dent tribe.

Of the children, "Buck" in time entered Harvard; Fred was soon in West Point; Nellie was all too early considered marriageable; but Jesse remained, making friends with Albert the coachman, amusing the household with his pranks, and looking after his pets—several dogs, two gorgeous gamecocks, and an ill-tempered parrot given him by the Mexican Minister, Senor Romero. Once he ordered some stamps from a Boston dealer, and when the advertiser kept his five dollars but sent no stamps the President playfully suggested that he bring the matter before the next Cabinet meeting:¹⁷

Promptly on the hour I presented myself at the Cabinet meeting. Hamilton Fish . . . and William W. Belknap . . . were great friends of mine. "Jesse has a matter which he wished to bring before you, gentlemen," said my father. Breathlessly I told my story, ending with the suggestion that either the Secretary of State, the Secretary of War, or Kelly (the policeman on special duty at the White House) write a letter.

"This is plainly a matter for the State Department to attend to," said Mr. Fish. To this Mr. Belknap promptly took exception, declaring it his intention, as head of the War Department, to act at once.

Followed a general debate, in which the other Cabinet members stood solidly for Kelly. I shall never forget with what interest I listened to impassioned speeches in which Mr. Kelly's virtues, his power and influence, were extolled. He was declared to have wider powers than the Constitution be-

¹⁶ W. E. Woodward, *Meet General Grant*, 403. Newspapers of the day contain much appreciative matter on the Dent family.

¹⁷ Jesse Grant, *op. cit.*, 69, 70.

stowed upon either the Department of State or the War Department, and his personal ability and influence were proclaimed to be greater than that of the Secretaries who sought to usurp his prerogatives. When the question was put to vote, Mr. Fish and Mr. Belknap voted for their respective departments, but the rest of the Cabinet voted for Kelly.

Second only to the President and Mrs. Grant in Washington society stood Secretary and Mrs. Fish.¹⁸ Both had been born to the polite world; social graces as well as moderate luxury were a matter of course to them; and Mrs. Fish helped Mrs. Grant over many a rugged spot of social management. Their house, formerly Senator Morgan's, was one of the finest in the capital, and contained perhaps the best single room for receptions outside the White House. Mrs. Fish, of but medium height but commanding presence, with features that were classical and intellectual rather than beautiful, was always stately, serene, and perfectly poised. She was polite and gracious to all, and in her house the polished European diplomatist and self-made Western leader felt equally at home. Beside the somewhat dumpy Mrs. Grant she made a striking appearance, her wonderfully pure and pale complexion slightly flushed, her gray hair surmounted by a coronal which only she could have worn. But she was not at all austere, and her goodness of heart soon became famous; for despite her incessant social duties she found time for church work, for visiting sick rooms, and for much attention to charities.

At the house on Scott Square Mrs. Fish received every Wednesday afternoon, assisted usually by her only unmarried daughter, Edith.¹⁹ She and Secretary Fish gave two formal dinners weekly through the season, managing them with great method; and at receptions by card there were sometimes fifteen hundred guests. Their engagement book for 1869-70 shows how heavy was the burden of entertaining, and how varied their list of guests. On September 9 they gave a dinner for the President, three of the Cabinet, Judge Richardson, and Generals Porter and Sherman. In October the diplomatic dinners began, the whole corps being entertained in order; while that same month they dined the Justices of the Supreme Court. Among others at their table during the autumn were Judge Edwards Pierrepont, Colonel Babcock, the banker W. W. Corcoran, James Watson Webb, Senators Sumner, Schurz, and

¹⁸ Helen Nicolay, *Our Capital on the Potomac*, 406 ff.

¹⁹ Ben Perley Poore, *Reminiscences*, II, 298. Edith later married the son of Sir Stafford Northcote.



MRS. HAMILTON FISH

Conkling more than once, many other Senators once only, Bancroft Davis, and Colonel J. W. Forney. But with January 1 the dinners really began! At one of the most notable, on January 27, were Prince Arthur of Connaught, Speaker Blaine, Chief Justice Chase, Senator Sumner, General Sherman, Admiral Porter, most of the Cabinet, Minister Thornton, and General Banks. It is evident that Sherman, Schurz, and Bancroft Davis were favorite guests, their names turning up again and again. But there are other names which could have given Secretary Fish little pleasure, such as Ben Butler's. At the dinner on February 8 to a long list of members of Congress, Senator Sprague of Rhode Island and Senator Roscoe Conkling sat down together; but this was before Conkling's attentions to his beautiful wife had begun to annoy Sprague.

Twenty guests were usually asked to large dinners, and the ordinary hour was seven; smaller dinners sometimes began at six. Diplomats, Cabinet members, and Supreme Court Justices in general brought their wives, but Senators and Representatives came alone. Although the President dined repeatedly at Fish's during the winter, he did not bring Mrs. Grant with him. Grant, indeed, often came to the house informally. He loved in the evening to walk across Lafayette Square and down Fifteenth Street, two blocks in all, to Fish's house. He would greet the Secretary, chat a few minutes in his study, and then cross the hall for a much longer talk with Mrs. Fish, whom he found highly congenial.²⁰ Despite his reputation for taciturnity, when with friends on whose sympathy he could count he became talkative, while in commenting on questions of the day he showed a surprising amount of humor. But Mrs. Grant loved her home, and stirred out of it as little as possible.

Other members of the Cabinet, as at first constituted, cared little for social life.²¹ Attorney-General Hoar was wealthy, and married to a charming woman; but with seven children and a passion for quiet labor he detested entertainments. He liked to stick to his desk, and became

²⁰ Hamilton Fish 2d to author, June 4, 1933; as secretary to his father, Mr. Fish formed many impressions of value to the author.

²¹ Among the names most frequently seen in the society columns were the Spragues, Dahlgrens, Chandlers, Anthonys, Corcorans, and Riggses. Kate Chase Sprague was the most striking woman of the period in Washington, uniting the animation of Dolly Madison with the audacity and charm of Jessie Benton Frémont. By 1870 it was well known that her marriage was unhappy, for her erratic husband was addicted to drink, but she plunged with all the more vigor into social life. Of the diplomats the British Minister, Edward Thornton, took the leading place—tall, erect, and military-looking. His wife, the daughter of an English clergyman, was tall, thin, and of quiet tastes. Thornton was universally liked, and Fish was much pleased when in 1871 he was knighted.

irritable over interruptions. Secretary Boutwell, an angular, nervous man, had few friends and did not care to make more. Postmaster-General Creswell was deservedly popular, possessed wealth, and entertained well. Of General Belknap we shall say more later. When he first entered the Cabinet in the fall of 1869, succeeding Rawlins, his wife, who had been a Kentucky belle, had leased the Rogers house on Lafayette Square. Here she charmed everyone with her grace and cordiality; but her health was failing, and before the year 1870 ended she was dead. Secretary Fish and General Sherman were among the pallbearers who carried her coffin into St. John's Church. Her household remained in the care of her sister, an equally charming and dashing young woman; and soon she and the heavily-whiskered, barrel-shaped, jovial Belknap were married.

III

North and West of the capital spread a land that throughout Grant's first Administration was vitalized by one of the great booms of our history. The electric current of business enterprise flowed into Washington as from a million generators. Men's hair crackled with it. Far more important than the slow reconstruction of the South was the rapid reconstruction of the North and Northwest by capital, technology, organization, and immigration. The first transcontinental railroads; the great Western ranges; bonanza mining; the petroleum industry; Besemer-Kelly steel—all these were newborn. The packing industry, the milling industry—these were reborn and grew into giants. Before Grant left the White House men had used the first telephones and typewriters, sat in the first parlor cars, read the first truly national magazines, debated the first legislation against monopoly, welcomed the Middle West and Far West into literature, heard the first dynamo hum. Crude and undisciplined are adjectives which must be interpreted as variables. Had a nation so full of new wealth, new technology, new social forces as was the United States of 1870 lacked crudity, exuberance, and recklessness, something would have been wrong with it.

But just how would all these forces play upon Grant? In general, the political vitality of the Federal Government has been lowest at precisely those times in which our economic energy has been greatest. The powerful business forces which were steadily taking control of the

United States did not wish a strong President, an alert and aggressive central government. They wanted passivity. Given that, they would know how to enforce coöperation when and where it was needed. The richest interests of the country had little to ask of Grant save that he sign instantly whenever requested; and he knew so little of government or economics that he would have done that anyway. It was upon Congress that the special interests focussed their chief efforts. Congress made the tariff schedules, the tax laws, the land grants, the appropriations. It was only the lesser fry—the claim agents, the office-mongers, the departmental contractors, the Carpetbaggers—who haunted the White House anterooms. A few of these who had hoped to angle in muddied international waters, profiting by tropical annexations or a Cuban war, still hung about there, cursing Fish; but by 1872 they had ceased to wear a hopeful look.

Not once does Fish's diary offer us an explicit opinion of Grant as a President. Reticence inhered in his definition of a gentleman; prudence inhered in his conception of a Secretary of State—for diaries are sometimes stolen. He later told his daughter that he did not put down the worst facts about Grant.²² But in a thousand entries he presents his implicit opinion. Be it remembered that the diary was kept as an office day-book, as a record of business transacted, a transcript of conversations to guard against misquotation or misrepresentation. It was unnecessary to write much about Grant; only on exceptional occasions, as when irritation demanded some outlet, did Fish do so.

From Grant an admiring nation had expected, above all else, grasp and decision. His might not be a subtle intellect, but it would prove diamond-clear, firm in its hold upon essentials. Where book-taught generals failed, he had grasped the situation before Donelson, before Vicksburg, before Richmond; surely he would grasp the essentials of civil problems in the same way. What are the facts? Fish's diary is replete with illumination upon Grant's grasp of problems.

On January 10, 1871, the Cabinet took up foreign affairs.²³ "I hear that Spain is sending troops out to Cuba," ejaculated Grant. "Is that a fact?" Few facts in contemporaneous history were better known, and Fish said as much. "Spain is pardoning convicts on condition that they join the army and go to Cuba," he remarked. Grant flared up in-

²² Memorandum by Mrs. Sidney Webster in Fish Papers.

²³ Diary.

stantly. "Well, I want a strong protest made," he exclaimed. "And I want a demand sent for early settlement of the claims of our people." The diary brings before us Fish in agitated expostulation. General Sickles, he pointed out, was working night and day in Madrid to negotiate a convention on the claims; his latest dispatches were encouraging. A protest just now, with King Amadeus barely seated on the throne, would seem discourteous and be interpreted as an effort to pick a quarrel. "Well," growled Grant, "I don't wish anything done at present."

Or again, take an earlier episode; on June 7, 1870, Grant was trying to rewrite Fish's message on Cuba, which did not need rewriting. He uneasily shuffled his sheets, a mass of "obliterations and interlineations." Reading a fragment to the Secretary, he promptly fell into difficulties. He referred to "captures" of American vessels; when Fish protested, to "seizures"; finally Fish told him the correct word was "arrests." His facts were also garbled. A few days later he interfered again. We find Fish on June 17 describing the results:

On Monday the President wished to insert in the message sent to Congress on the Cuban question a statement which he had prepared, to the effect that Spain had captured three of our vessels on the high seas (*Mary Lowell*, *Lloyd Aspinwall*, and *Mary Connerly*), and refused the papers in the first and reparation in the second. I obtained with some difficulty the exclusion of any *specific* allusion to these cases, and the substitution of the general statement, toward the close of the message, of the reference to arrests on the high seas. The *Mary Lowell* papers were received on Tuesday, and on Thursday we have the submission by Spain to arbitration of the question of her liability for the *Aspinwall*.

In short, Fish had saved Grant from looking like a fool.

At best the President was never the soul of discretion. Such diary-entries as that under March 15, 1870, are not infrequent. The President read Fish the draft of a proposed message on the decline of American shipping. "It contains," records Fish, "a severe passage with regard to Great Britain, to which I take exception, as unnecessary to the argument, and calculated to excite unpleasant feelings between the two countries." Or we may cite a droller instance. Grant was much hurt when Charles A. Dana, who as Assistant Secretary of War had done so much for his promotion and fame, began to assail him in the *Sun*. One wintry day late in 1870 he talked with Fish about Dana.

The editor was a blackmailer, he declared. He knew a former employee of the *Sun*, a Venezuelan by birth, now a naturalized citizen, who possessed memoranda showing the precise sums of hush-money paid to Dana on various occasions, with details of the circumstances. According to this ex-Venezuelan, an attack upon Jim Fisk, Jr., had once been prepared for the *Sun*, and proof-sheets had been sent him with word that unless he made some "arrangement," it would appear next morning. Fisk had told the *Sun* to go to hell. A large edition was printed. But just before it went on the streets, in the small hours of the morning, Fisk drove down to Park Row and paid \$5,000 for suppression of the article. Though the first edition was destroyed, the ex-Venezuelan had kept a copy. This was a curious tale, but Fish attached little significance to it. A few days later, however, came the sequel:

December 20, 1870.—. . . Received a note from the President requesting me to call and bring the nominations of James R. Partridge as envoy extraordinary, etc., to Peru and Antonio M. Soteldo for Venezuela. The latter name I had never heard, and did not know who or what or whence he is; carried the nominations to the President; find that Soteldo is the person who has been engaged as an assistant editor of the New York *Sun*, and is now making public certain disclosures relating to that paper and its editor; that he was one of its reporters in Washington last winter. The President in his note has expressed a desire to *consult* [me] with regard to the nomination. [On my] seeing him, he stated as a reason that Soteldo imagined himself in danger of violence from some of the "roughs" who may be instigated by the parties who may be exposed by his statements; hands me the recommendations in his favor, utterly insignificant. . . .

I remonstrate against the appointment; [I say] that it will bring the whole diplomatic appointments of the government into disrepute and contempt; will be severely and justly criticized in the Senate; will be taxing his friends in the Senate too heavily to sustain it, under the opposition it must meet; that to appoint a man thus unknown will be considered as the price paid for the disclosures which the man proposes to make (the *Tribune* of a day or two since contained a chapter of his forthcoming pamphlet), and will be regarded as making the President responsible for, or at least as having paid for, the disclosures, by this appointment. He admits the force of these objections, especially the last. I further urge the fact of his being a Venezuelan as an objection to his being sent to Venezuela.

Grant's knowledge of the Constitution was as defective as his sense of the courtesy due to other nations. In his first draft of his annual message of 1870, discussing Santo Domingo, he proposed a new treaty,

"to be submitted to Congress." Fish gently pointed out that treaties can be submitted only to the Senate. The President also asked Congress to authorize a commission to negotiate this treaty; Fish reminded him that he had full Constitutional power to negotiate a treaty by commissioners or otherwise, and that Congress needed only to appropriate money for expenses. In the same draft, Grant attempted to frighten Congress with the bogey of European seizure of Samaná Bay, and bluntly named Prussia as the government which was intent upon obtaining it—a serious charge against a friendly nation. Fish insisted that he take the name out. When Congress later asked him for confidential information about the threatening Power, Grant sent it a letter written in New York by the rascally broker Hartmont to the rascally Fabens, suggesting that Prussia desired the port. This was all the evidence he had! And even this had a cooked-up look; for why should Hartmont write Fabens when he was seeing him every day, and what did Hartmont know about Prussian policy? ²⁴

The President at times showed a curious forgetfulness, even of his own decisions. At the Cabinet meeting of April 14, 1871, for example, he and Fish discussed the choice of an attorney to represent the United States in the adjudication of claims against Spain. Fish writes drily: ²⁵ "I ask the President if he has anyone he wishes for counsel, remarking that he should be a first-class lawyer and familiar with Spanish. He asks if Cushing would serve, and authorizes his appointment if he will. The last time I spoke with him on the subject I suggested Cushing, and he objected." Sometimes Grant seemed even to forget that he was President of the United States. In the fall of 1870 a newspaper dispatch, quoting him on foreign affairs, greatly annoyed Fish. He asked the President about it. Grant explained that the previous Sunday, while he was taking a walk, "some person, a stranger to him, joined him." The man tried to draw him out; Grant was reticent, avoiding most of his questions. The stranger remarked that it had been rumored that the United States would not press the *Alabama* Claims. Grant replied, "That is pure fiction." And the newspaper story indicated that he had told this total stranger a good deal more!

His management of Cabinet meetings left much to be desired. Again and again they were occupied chiefly with gossip; it was entertaining

²⁴ Senator Anthony of Rhode Island wrote Fish a letter of grieved astonishment on this occurrence.

²⁵ The material in these pages is drawn throughout from the Diary.

gossip, but Fish chafed under it. One typical groan from his conscientious spirit will suffice. On December 20, 1870, he asked for discussion of a dispatch from the Minister to Hawaii upon reciprocity and eventual annexation. The United States, he remarked, was losing its trade and influence in Hawaii; the ruler there was the last of his dynasty; and while the islands on his death would be likely to drop into American hands, it would be easy to lose them through indifference. He looked about hopefully. Silence. "No one responds, and the subject is dropped. The indisposition to consider important questions of the future in the Cabinet is wonderful. A matter must be imminent to engage attention; indifference and reticence. Alas!"

IV

But what most worried Fish and other astute observers in Washington was Grant's natural friendliness to many people intellectually and morally below him, to all hail-fellows-well-met, and to everyone who pretended an enormous loyalty. This tendency was the scar left by long years of failure and humiliation. He took naturally to the adroit, flattering, calculating Ben Butler. Butler was interested in various private claims; he was interested in Lower California lands; and he was interested in Santo Domingo real estate. By his influence with Grant he had his brother-in-law, Webster, made consul-general in Frankfort; he had a nephew, Butler, made consul-general in Egypt; and he had another brother-in-law appointed to office under Grant's own brother-in-law, Casey, who was collector of the port in New Orleans. Though he was notoriously a schemer, Grant liked him and gave him free run of the White House offices. Grant also liked the breezy and scheming Alexander R. Shepherd; he liked the scheming Henry D. Cooke, brother of Jay Cooke. Early in 1871 Fish was worried lest Henry Cooke be given an important diplomatic appointment; and he drew a sigh of relief when Grant told him on February 26 that the man would accept a berth in the District of Columbia government instead. "A good escape from a number of embarrassments and some perils," Fish wrote in his diary. Grant immensely liked his devoted but scheming secretary, Orville E. Babcock, and Babcock's scheming friend Rufus J. Ingalls. All these men by 1871 made up a happy, busy, ambitious White House coterie.

It need not be said that the President liked and patronized his kinsfolk, who were numerous. One brother-in-law, A. R. Corbin, had come near bringing disaster on the President in the Black Friday affair. His brother Orvil Grant was hungry for the crumbs of power. So were three other brothers-in-law, Michael J. Cramer, the before mentioned James F. Casey, and Louis Dent; all selfish, greedy, and irresponsible. Early in 1871 Roscoe Conkling and Fish had a frank talk about the matter. The Secretary writes: ²⁶

He refers to a recent publication of a letter of Orvil Grant to the President in terms of regret; [says] that the President is being injured by such things, and expresses the hope that something may be done to arrest such interferences; [says] that the popular mind is arrested by and holds such trifling incidents to the disadvantage of the President; that he is being injured by the Dents, etc., etc. [He asks] whether I cannot say something to him, etc.

It is a very delicate matter. I appreciate what he says and wish it could be prevented. I am aware of the feeling on the subject and on the retention of so much of the military about the personnel at the White House, but do not see how it can be remedied.

Cramer, appointed Minister to Denmark, once disobeyed instructions. Fish had sent him a confidential dispatch relating to the recall of Catacazy, which he promptly read to officials in Denmark—that is, ran cackling to them with it, as John Hay would have said. The contents thereupon became known in St. Petersburg, and gave our Minister grave embarrassment. When Fish laid the case before Grant, the President, to his credit, instantly assented to a reprimand.²⁷

But by far the most obnoxious relative was the peripatetic Judge Louis Dent of California, Mississippi, and Washington. After his exploit in wrecking the moderate Republican cause in Mississippi, he settled in the capital and entered the claim-agent business with a former newspaper man named Paige. We have mentioned his connection with the Perkins Claim against Russia. Fish's diary for May 4, 1870, describes how frostily he received Dent and his associate Stewart when they called at the State Department to press it. The Secretary omitted no precaution. "I have Mr. Barrows present," he writes, "to take down in shorthand the conversation."

Dent and Paige also pushed various claims against Spain. The most

²⁶ Diary, January 8, 1871.

²⁷ Diary, January 16, 1872.

noted of these was in behalf of José García Angarica, a naturalized citizen in the commission business at Cardenas, Cuba, whose property there had been seized. The Spanish Minister complained bitterly throughout the first half of 1871 of their activities.²⁸ Because he resisted the Angarica claim as fraudulent, he told Fish in May, they had inspired an article in the New York *Tribune* roundly abusing him. Worst of all, they had hinted to clients that if they wished their claim allowed promptly by the Joint Commission, they must furnish money for bribing Caleb Cushing and Sidney Webster! Fish was still wrathful over this disclosure when a few hours later he went to a Cabinet meeting. There Grant handed him a letter from Dent and Paige upon the Angarica claim, insolently attacking Caleb Cushing and the Spanish Minister for obstructing justice! The Secretary restrained himself with difficulty. He told Grant that a State Department investigation had shown that Angarica's claim possessed highly dubious features, and demanded cautious treatment. Thereupon the President explained that he had not read the letter. Louis Dent had been at the White House two evenings before; "he spoke about the claims, and I asked him to make a statement in writing." This heightened Fish's resentment.

"Dent & Paige," he said bluntly, "are speculating upon claims on the ground that Dent is related to you and that they have special influence. They are also making appeals to public passion by anonymous articles in the press. In these they print utterly false statements."

"It's Paige does that," protested Grant. "He was a newspaper man."

"I will tell you just what these gentlemen are doing," proceeded Fish. "They are accusing irreproachable men, including my son-in-law Mr. Webster, of corruption. They are trying to connect me, the Secretary of State, with similar charges. "Here"—drawing the *Tribune* article from his pocket—"let me show you the article they wrote. The Spanish Minister inquired at the *Tribune* office, and the editors told him this article had been sent them from the White House."

Grant declared that he had not seen it, or heard of it.

"I was sure you had not, and I told the Spanish Minister so," concluded Fish. "But I wish you to know how much presumption these men are showing, and what unjustifiable liberties they take on the basis of Dent's connection with you."

Grant made no recorded reply, but when the Cabinet meeting broke

²⁸ Diary, January 19, 1871, and dates following.

up he kept the Dent & Paige letter.²⁹

Every palace cabal, every Kitchen Cabinet, requires a dominating mind, a leader like Amos Kendall in the Jackson Administration or Harry Daugherty in Harding's. In 1872 no one was yet certain that a Kitchen Cabinet existed. But everyone knew that if it sprang into existence Orville E. Babcock would be its head. Louis Dent cultivated a suspicious intimacy with Babcock. So did Fabens, who, calling at the State Department on April 29, 1870, explained certain irregularities in his handling of Dominican affairs as due to Babcock's advice. So did Ben Butler, Henry D. Cooke, and Colonel Forney, editor and lobbyist. It was Forney who told Caleb Cushing in February, 1870, that Dent and Paige had assured him that Grant was about to revolutionize the Cuban policy of the government, adding: "You had better be in time. There's money in it." Cushing repeated this to Fish with a covert sneer, saying, "In France the Empress makes some politics."³⁰ Babcock had every advantage of position, he was a friend of the ablest Congressional politicians, and Grant implicitly trusted him. He could easily form a cabal. But would he?

Fish's attitude toward Babcock was soon determined. After Santo Domingo, the Secretary knew that he was a blunderer, and suspected that he was corrupt. After June 3, 1870, when he caught Babcock lying to Grant about Fish's proposed message on Cuba—that is, trying to prejudice Grant against it by saying that Bancroft Davis was the real author—Fish knew he was a double-dealer and mischief-maker. He never forgave Babcock for misrepresenting Rockwell Hoar's resignation. Repeatedly during 1870–72 he blamed him for the leakage of state secrets from the White House, the circulation of rumors embarrassing to our foreign relations, and pressure upon Grant in improper directions. The diary gives us a vivid little vignette of Washington's birthday, 1871, in the White House: snow falling outside; the bustle of Mrs. Grant's reception in the East Room; behind the palms in a corner Jacob D. Cox and Fish having a long, anxious talk about Dent, Paige, Babcock, and Banks—about their furtive machinations to begin a war with Spain. Early in 1871 Fish discovered evidence that the Haitian Minister had used \$20,000 to help defeat Dominican annexation. Resenting this, he equally resented the vehemence with which Babcock urged criminal proceedings against the Minister (who was

²⁹ Diary, May 25, 1871.

³⁰ Diary, February 19, 1870.

of course protected by diplomatic immunity) for interfering with our foreign affairs.

V

Fish knew by 1871 that a group of Senatorial politicians were eager to get him out of the Administration, and were finding allies in all sorts of dubious quarters. The press that spring printed constant rumors of his resignation. We have quoted his statement that these reports were inspired by men who had all too much of Grant's confidence, "who exercise more influence than will prove for his good or that of the Republican Party." He meant the three musketeers of Stalwart politics, Oliver P. Morton, Zach Chandler, and Matt Carpenter, Westerners all. When the first two quarreled, he felt that it was for the public good. He did not hesitate to tell Grant this spring his frank opinion of Morton. The Secretary likewise thought Cornelius Cole of California anything but a judicious adviser for Grant. Quietly but assiduously, he urged the President toward safer advisers. The Senators he trusted best were George F. Edmunds, H. B. Anthony, Lot M. Morrill, Timothy O. Howe, and W. B. Allison.³¹ He also liked Conkling. Behind his surface faults—his imperious pride, fierce temper, and love of political domination—he saw another man whose advice to Grant would be unselfish and shrewd, though decidedly partisan.

As for the Cabinet, by 1872 it had sadly deteriorated. Since the loss of Cox and Hoar, Fish felt little admiration for any of his associates. Creswell was able and cultivated, but dangerous—an expansionist in foreign affairs, a harsh Radical upon Southern Reconstruction. Boutwell showed industry and incorruptibility, but was secretive,³² narrow, and two-faced. He rarely said a word in the Cabinet upon his financial policy, and when he did it was likely to be misleading. Fish's diary for March 11, 1870, contains an illuminating bit:

Nothing done in Cabinet, except discussion on the resumption of specie payments. Robeson favors immediate return, and that the government lend its assistance thereto. Boutwell does not favor early resumption; Cox doubts if it can be retained if resumed very soon. The President intimates to Boutwell a wish to throw two or three millions of gold on the market (the price having advanced today some two per cent, or thereabouts) in order to break the efforts of the "bulls" to put up the price. Boutwell says "he does not

³¹ Hamilton Fish 2d to author, June 20, 1934.

³² Cf. *The Education of Henry Adams* on Boutwell's secretiveness.

think that would be wise," and there it rests. Boutwell gives no reasons, and rarely indicates or explains anything of his policy.

Night before last Judge Hoar was at my house, and referring to this habit of Boutwell's, said that he had much respect for Boutwell, and considered him in many respects able. But he reminded him of a certain lawyer in his town, who had acquired an amount of local reputation, but who, when consulted, always looked wise, shook his head, and said, "Well, I don't know; I don't know about that." A clever young man, a student in this lawyer's office, being asked about him and as to this habit of mystified silence and wise looks, with the habitual answer of "I don't know," he said: "Well, it is literally true in every case, for damn him, he don't know."

A year later (April 11, 1871) we find a similar entry:

At the Cabinet yesterday I asked Boutwell what his monthly statement would exhibit; how much of diminution of debt. He evaded a direct answer, saying: "It will probably show enough to lead to a repeal of the income tax, if there were time for Congress to act, but there is not." He then added, "I think the reduction will amount to six millions." Today the statement is published, and the reduction exceeds eleven millions. Boutwell's reticence and concealment from his colleagues of information to which they are entitled are remarkable, to say the least; there is something about this which time will develop. I do not care to record my own apprehensions.

His remark about the income tax is characteristic. Last Tuesday evening the President told me that he had authorized Pleasanton [Commissioner of Internal Revenue] to urge upon Congress the repeal of the income tax, and that he himself had urged it upon several members of both houses. His Secretary of the Treasury opposed and defeated the repeal, and now admits a state of the Treasury which he thinks would lead to the repeal, but conceals the extent from his associates in the Cabinet, although it must be made public the following day.

In other ways Boutwell showed a duplicity that disgusted the straightforward Fish. For example, at a Cabinet meeting late in 1871 he warmly praised Edwards Pierrepont to Grant; yet a few weeks earlier he had told Fish that he felt a deep distrust for Pierrepont! "That is just what I should expect from Boutwell," comments the Secretary.³³

As time showed, two Cabinet members were a real liability to the government. Fish always regarded that breezy Iowan with a Princeton background, Belknap, with coldness; he was essentially a military man, and Grant was surrounded by too many army officers. Attorney-

³³ Diary, November 21, 1871.

General Akerman was apparently incompetent. He was a fatuous gossip. He once entertained the Cabinet with a long tale, allegedly told him by Robert Toombs, of how Jefferson Davis and Judah P. Benjamin during the Civil War had transferred funds and other property of the Confederacy to Europe for their private use if defeated; these funds, he said, made Benjamin rich when he went to England after the war. Fish did not believe the story. A lily-white Republican, the Georgian kept harping upon Democratic outrages in his section. "Akerman introduces Ku Klux," runs one entry.³⁴ "He has it on the brain. He tells a number of stories, one of a fellow being castrated, with terribly minute and tedious details of each case. It has got to be a bore to listen twice a week to this thing." He made almost incredible blunders. Soon after taking office he prepared for Grant a proclamation suspending the writ of habeas corpus in nine South Carolina counties. He put in a wrong county name! As a result, a new proclamation had to be issued releasing Marion County and including Union County.³⁵ He was always bringing up absurd questions:

December 1, 1871.— . . . Akerman reads letters from the acting Governor of Georgia asking whether he can rely upon the support of the Federal Government in his contest for the possession of his office, he having been President of the Senate when Governor Bullock resigned, and the legislature on the following day having elected another person president of the Senate. The President thinks (as anyone would suppose) that he has nothing to do with a speculative case of the kind. It is for the State to settle. . . .

Yet the reason for Akerman's ultimate dismissal did him credit. Under grants made by Congress in 1862-64, certain Western railroads attempted to obtain large areas of land to which their title was dubious. The Secretary of the Interior, Delano, referred the matter to Akerman, who made an adverse report. When asked by Delano to consider the matter again, Akerman became more convinced than ever that the claim was illegal. Gould, Huntington, and other railway magnates began a campaign against him, and placed heavy pressure on Grant to remove him. Delano joined the attack; a newspaper he owned, the *Baltimore American*, opened fire on Akerman. The assault became irresistible.

On the evening of December 10, 1871, the President walked over to Fish's rooms—for the Secretary had given up his house and was in

³⁴ Diary, November 24, 1871.

³⁵ Diary, October 31, 1871.

temporary lodgings. "I shall be obliged to make a change in the Attorney-Generalship," he announced. Fish made no comment. "I have decided to appoint Judge Williams of Oregon." Fish betrayed a spasm of pain. Just six weeks earlier they had talked of Williams, a lame-duck Senator. Grant, mentioning him in connection with the English legation, said, "He is hardly big enough for the place." Fish had emphatically agreed that he was not. But now he was big enough for the Attorney-Generalship! On December 13 all details were settled. The President strolled through the wintry gloom to Fish's quarters again, and asked him to come to the White House, remarking that Akerman had resigned—by request—and would leave soon after New Year's. Williams, Colfax, and Boutwell all came in. After Williams had been closeted with the President for a time, he emerged looking as pleased as a cat with cream. "I have accepted the Attorney-Generalship, gentlemen," he said. Some men traced the curious appointment of Williams to the fact that he was counsel to the Alaska Improvement Company, in which Grant was a stockholder.³⁶

VI

But most dismaying of all was the growing aroma of corruption which tainted the air in Washington. Sensitive men by the summer of 1872 had a premonition that scandals lay everywhere just below the surface. Whitelaw Reid had written a friend that "the depth of corruption" in the Administration was "scarcely suspected as yet even by its enemies."³⁷ Gossip about the Whiskey Ring and Credit Mobilier broke forth and then was hushed up. Occasionally some significant incident profoundly alarmed Fish. For example, on November 17, 1871, Belknap and Akerman read the Cabinet letters from Edwards Pierrepont, Federal Attorney in New York, advising that the Government dismiss its criminal proceedings against Polhemus & Jackson, a brokerage firm through which an army paymaster had made extensive speculations with government funds. The firm had known that it was using government money. But Pierrepont intimated that the prosecution would involve prominent Republicans, including Jay Cooke & Company. Fish and others protested so indignantly that Grant ordered the

³⁶ Bowers, *The Tragic Era*, 371; Oberholtzer, *United States*, II, 311; information given me by Mr. Warren Grice of Georgia, a student of Akerman's career.

³⁷ To John Bigelow late in 1871; Royal Cortissoz, *Life of Reid*, I, 204.

prosecution to be pushed. "Pierrepont has done himself no credit by his action in this matter," writes Fish.³⁸ But the most disturbing fact of all was that he had obviously expected Grant to approve of his dishonest suggestion.

That he had a certain ground for this expectation was indicated by the affair of Governor E. S. Solomen of Washington Territory. Solomen, for whose appointment Grant was responsible, was shown to be guilty of attempting to bribe a Treasury agent. In the first days of 1872 Grant handed Fish the man's resignation to take effect three months later, on April 1. Since he deserved summary dismissal, the Secretary was amazed. "Do you intend to allow him to remain in office until that time?" he inquired. Grant did. "I regret that," expostulated Fish. "He has misbehaved and ought to be removed at once; not allowed to defer his departure as if it were his own choice." Grant set his jaw and made no reply. He merely directed the nomination of another man in his place.³⁹ The episode disclosed a curious attitude toward corruption in office—if it was a friend of Grant's who was corrupt.

The New York Custom House investigation early in 1872 indicated some of the grim possibilities of the situation. It was an interesting story. We have seen that in 1870 Grant removed the respected Moses H. Grinnell as Collector of the Port of New York, and appointed Tom Murphy in his stead. He did so primarily because of personal regard for Murphy, and secondarily because the politicians, including Conkling, were dissatisfied with Grinnell. Senator Fenton took the appointment as a heavy personal blow. He and Murphy had been enemies for years. But Conkling, thirsty for absolute power, forced Murphy's confirmation by a vote of 48 to 3. He thus won Grant's gratitude, cemented the loyalty of Murphy, and became master of the custom-house, with its thousand employees, for the solidification of his own political authority. Thenceforth the Conkling faction was supreme in New York. Murphy dismissed Fenton men in droves. With a brave show of virtue General Porter wrote him ⁴⁰ on July 13, 1870, that many persons seeking office would use "the President's name or mine," but without authority; "you will never hear from me on the subject of office." But he significantly added: "My only desire is to see you so distribute the patronage of your office as to render the most efficient service to the country and *the cause of the Administration.*" Murphy duly filled the

³⁸ Diary, November 17, 1871.

³⁹ Diary, January 9, 1872.

⁴⁰ Grant's Letterbooks.

offices with men who would labor for Grant's reëlection.

A conspicuous colleague of Murphy's was Colonel George K. Leet, who soon became famous. He had been a minor member of Grant's staff during and following the war. Just after Grinnell's appointment he had come to the Custom House with a letter from Grant. As a result, Grinnell gave him part of that juiciest of plums, the general-order business. This was the business of storing imported goods which were not called for at the New York docks within twenty-four hours after arrival, and which under the law were sent to warehouses specified by the Collector. Few large importers being able to remove their consignments at once, most of their goods were stored for some time, at rates profitable to the warehousemen. But Leet soon became dissatisfied with his share, and began badgering Grinnell for a monopoly of the business. He even declared that if Grinnell did not make his warehouse the sole depository, there would soon be a new Collector. Probably this was empty vapping. But Grinnell went out; Murphy came in; and Leet promptly obtained his monopoly! Estimates of the profits made by his firm, Leet, Stocking & Co., ranged from \$60,000 to \$200,000 yearly. Deputy Collector Clark, indeed, called this monopoly the most profitable of all perquisites in the gift of the government. Vigorous complaints were soon made by merchants of extortionate charges, and their protests were taken up by the *Tribune* and other journals. At least twice A. T. Stewart personally spoke to Grant. Finally the President told Murphy: "There is so much talk and scandal about this young man Leet in New York having the general-order business there, on account of his being with me during the war, that I have come to the conclusion that this young man had better leave." But Murphy assured Grant that the discontent had been artificially worked up by steamship companies desirous of seizing the general-order profits; and Leet, Stocking & Co., remained undisturbed until the Custom House Investigation early in 1872.⁴¹

This Congressional inquiry, in which Senator Bayard was prominent, brought out shocking facts. It showed that the Custom House had two heads, the nominal Collector being Tom Murphy, the real executive an industrious Democrat named Clinch.⁴² Murphy looked after primaries, conventions, and campaign collections; Clinch, whom Murphy

⁴¹ For this Custom House investigation, see Senate Report No. 227, 42d Cong., 2d sess.; N. Y. press, January-February, 1872.

⁴² *Ibid.*; see also George F. Howe, *Chester A. Arthur*, 45 ff.

admitted to be "the practical working Collector," looked after the Custom House. In practically all of Murphy's appointments merit was disregarded. As the merchant William E. Dodge declared: "The slightest fitness for the post or adaptness to the work is not thought of for a moment. They do as little work and get the most they can." Petty bribery was general; nearly everyone took douceurs. Though the 250-odd inspectors received an average salary of but \$1400 yearly, Charlton Lewis of the *Evening Post* stated that their places were more sought after than the office of United States Senator. The three highest functionaries, the Collector, Surveyor, and Naval Officer, together with special agents, profited richly from the moiety system—their share of the fines imposed. Naval Officer Laflin, for example, admitted collecting about \$18,000 in ten months as his share of the fines, which was less than the usual figure. While the moieties were legal, they encouraged minor Custom House employees and informers to set up a terrifying system of blackmail. In short, the chief revenue-collecting agency in the nation was full of scandal, full of inefficiency, full of machine politics. It was also shown that Murphy had been hand-in-glove with the infamous Tweed Ring conspirators, Tweed, Sweeny, and Connelly.⁴³ However valuable his appointment was to Conkling, to the Republican Party as a whole it proved a disaster. William E. Dodge testified that he could hardly name one intelligent acquaintance who had voted for the party in the fall of 1870, and this because "the Administration was represented here by such a venal, corrupt machine as the Custom House."

The inquiry justified Fish, who had opposed Murphy's selection. When Conkling had come to him resentfully, he had said that it was a passive opposition; but it had been active enough, for he told Grant his frank opinion of Murphy. When he declared that the man had made his money as a profiteering wartime contractor, Grant had assured him that Murphy said he had made it in real estate!

A vulnerable Southern policy, a discredited Dominican policy, a weak Cabinet, a deplorable set of political associates—with these handicaps Grant entered the campaign of 1872. The legend was still untouched; he was the only regular Republican who could possibly be elected, and the machine leaders rallied about him. But a formidable revolt had

⁴³ He had gone into real estate purchases with members of the Tweed Ring, and accepted a place on two commissions used by the Ring to rob the city; see N. Y. *Tribune* and *Herald*, January–March, 1872.

broken out among Republicans who prized liberalism more than regularity. If the followers of Schurz and Sumner, of Greeley, Bryant, and other reform editors, could agree with the Democrats upon a leader of high ability, the outlook for Grant would be dark. Meanwhile, Fish occupied an uncomfortable position. Among the raffish crew in Washington this son of a patriot who had fought at Monmouth and Yorktown, this survivor from a more austere age, moved with dignity and poise, but with growing inner anxiety. It was still his intention to retire on March 4, 1873, whether Grant were reëlected or not.

WHILE Fish was most worried by the indirect claims, the Liberal Republican Convention gathered in Cincinnati on May 1, 1872. An impressive list of men had aligned themselves with the revolt against Grant.¹ The names of such sympathizers as Salmon P. Chase, Gideon Welles, Montgomery Blair, William Cullen Bryant, Jacob D. Cox, and Charles Sumner bore out the view that it represented a revival of the initial idealism of the Republican Party. The opening scenes, as Carl Schurz, who was permanent chairman, pleaded for a candidate of "superior intelligence coupled with superior virtue," were full of enthusiasm. Had the convention nominated Charles Francis Adams or Lyman Trumbull, the movement would at once have gained a brilliant prospect of success.² But as a result partly of the machinations of professional politicians, partly of the adroit moves of Whitelaw Reid, and partly of one of the spontaneous impulses which often sweep over ill-organized gatherings, the convention on May 3 selected Horace Greeley. A majority of the delegates instantly repented—but it was too late.

Fish breathed a sigh of relief and amazement when he learned of the nomination. He realized immediately that Grant was saved. Greeley possessed qualities of greatness as an editor, and qualities also of popular strength. But his impulsive judgment, lack of political experience, fluctuating Civil War record, and personal eccentricities, made him a weak rival of the nation's military hero. "Is the Cincinnati Convention to be a stupendous farce, or the prelude to a fearful casualty?" Fish demanded of Thurlow Weed.³ If Greeley gained wide support, he added, it would prove that the popular conception of qualifications for the presidency was falling toward "those which elevated a horse to the Roman Consulate." He wrote John Jay that it would be difficult to find any American of high intelligence and honesty who was worse equipped for the Presidency than Greeley.⁴ "Erratic, uncertain, violent

¹ E. D. Ross, *The Liberal Republican Movement*, *passim*.

² C. F. Adams, Jr., *Charles Francis Adams*, 372; Schouler, *United States*, VII, 212, 213.

³ Fish to Weed, May 27, 1872; Letterbooks. This parallels John Sherman's statement in a letter to General Sherman that Greeley was "probably the most unfit man for President, except Train, that has ever been mentioned." *Sherman Letters*, 399.

⁴ Fish to Jay, June 2, 1872; Letterbooks.

in his temper and unwise in his judgment, a bad judge of men and open to the influence of the grossest flattery and personal adulation, with an ambition and craving for office—not dangerous for want of personal courage—he has now turned upon all the principles for which he has ever contended. . . . I do not think he can be elected—but it will be a hard and bitter contest.”

Thurlow Weed expressed the same view.⁵ He did not think that any considerable body of men “outside a lunatic asylum” would nominate Greeley, and yet it had been done. “This alarms me. The spirit of Unrest is abroad. Everybody had persistently conceded honesty to Mr. Greeley. The unreasoning masses show signs which disturb me. Most of my friends I see say there is no danger. Surveyor Cornell told me yesterday that the President desired Greeley’s nomination by the Democratic Convention. I think that such a nomination even by one convention is a dangerous experiment.” Still harsher terms were used by the historian Bancroft.⁶ “Greeley will rally to his support all the worst elements in our society,” he wrote; “the rogues in New York and in Brooklyn, and all the Catholic priests that meddle with politics, and all the friends of disorder in the South. I look upon him as the stalking-horse of the secessionists.”

I

Before the campaign began Grant and his associates had taken adroit measures to strengthen their position. In New York Senator Fenton had shown frank resentment of the President’s favoritism to Conkling; in Louisiana, the Republican faction under Henry Clay Warmoth still more bitterly resented the Administration’s support of the faction headed by William P. H. Kellogg and Grant’s brother-in-law Casey. Such sore spots required careful attention, and they received it. Fish’s diary states:

Wednesday, March 20, 1872.—On Monday in conversation with the President, I mentioned the danger of losing the vote of New York by reason of Fenton’s attitude, and that Boutwell had told me on Sunday that Fenton had called upon him within a day or two previously, and said he did not desire to oppose the President, but complained that he was ignored, etc., by the Administration; that Boutwell was convinced that Fenton desired to be recon-

⁵ May 22, 1872; Fish Papers.

⁶ Bancroft to Fish, June (no day), 1872; Fish Papers.

ciled, and that some very slight recognition would be sufficient. I urged that some effort be made to that end. After some conversation he requested me to see Boutwell again and that he and I, either jointly or separately, see Conkling and ascertain how he would regard such recognition, and also see Fenton and ascertain what he wants.

Last evening I went to Boutwell's; being absent, he called on me this morning. I mentioned the conversation with the President, and suggested that he had better see Conkling first.

Boutwell says that he has had an interview with Warmouth of Louisiana; that Warmouth professes an entire willingness to reconcile and unite the party; that he has (as Boutwell thinks) just grounds of complaint; that Casey and Packard have behaved badly to him. Says that a fund of \$50,000 was raised, of which \$18,000 was appropriated for the Senate (\$1,000 for each member) and the remainder for the lower house of Louisiana, to secure the passage of what was called the Levee Bill; that this money (which he calls a "corruption fund") was held by Casey and actually locked up in the Government safe in the Custom House. He thinks Casey ought to resign, and Packard to be removed, in which case Louisiana will be ensured for the Republican ticket.

In dealing with the tariff and taxation Grant had also taken steps to strengthen his political position. As early as October 23, 1870, he had shown an uneasy responsiveness to the attacks of the tariff reformers—who included leading Republican editors of the Northwest. Calling at Fish's house in the evening, he remarked: ⁷ "I am not half as much a protectionist as I was a year ago. But I do think that free trade is impracticable, and would ruin the country." Fish asked him what he meant by free trade. "Why," replied Grant, "I mean entire free trade, and Nordhoff's idea that we should burn the custom houses." Perhaps he had at last profited by David A. Wells' expert reports as Special Commissioner of the Revenue, though the previous June he had unwisely acquiesced in Boutwell's refusal to continue Wells in office. A month later he showed that his enlightenment had been real if slight:

November 24, 1870.—Cabinet . . . President says he had intended to read his message as far as completed, but will wait until the Cabinet be more full. . . . Says that he recommends the abolishing of all internal revenue taxes except those on spirits, wine, malt liquor, tobacco, and stamps; that he recommends a reduction of revenue from imports by abolishing duties on those articles not produced in the United States which enter into the arts and manufactures, and reducing or abolishing duties which are not productive on other articles entering into manufactures; that he thinks a more grad-

⁷ Diary.

ual reduction of the debt than hitherto is now sufficient; that he recommends reduction of duty on salt, one half the present duty, and on coal to fifty cents a ton. Creswell thinks the reduction on coal will be unpopular as interfering with our own production. The President says the coal producers do not care a particle for the duty, but Creswell says the reduction will affect the Maryland coal.

The result, after much delay in Congress, was the ten per cent horizontal reduction in the tariff on many classes of manufactures, passed in May, 1872. It was better than nothing.

In the same spring session of 1872 the assailants of the income tax were placated by its discontinuance. It is to Boutwell's credit that he had long opposed dropping it, though his reasons were founded on expediency alone. "He warmly denounces the repeal of the income tax," runs Fish's diary for June, 1870, "but wholly on political grounds; that the substitution or continuance of the other taxes which affect a larger number of persons will be unpopular. (The question of equity or right did not constitute any part of his reasoning; whether it did of his judgment was not apparent from what he said.) He thought it would be used against the Republican Party on the stump. Belknap concurred in this opinion." By 1872, however, when Grant needed the support of the great moneyed interests, the income tax was plainly a political liability. It was the fairest single element in the revenue system, as the fervent opposition of these interests proved, and it was a misfortune that it was not revised and strengthened. But it was unpopular, evasion had become widespread, and the Administration and Congress simply jettisoned it.

Another bit of political fence-mending was Grant's sudden espousal of civil service reform. In his message of December, 1870, he recommended action; Congress responded; and in 1871 he appointed a Commission under George William Curtis to devise rules for civil service examinations. On January 1, 1872, after Curtis had attended two Cabinet meetings to make explanations, Grant put these rules into effect. Yet Fish's diary shows that neither the President nor his Cabinet felt any real faith in the projected reform. We read:

December 22, 1871.—Friday. Cabinet. All present except Robeson. Nothing done except that Delano raised question as to the effect of civil service rules upon the Indian Agents, etc., appointed on the nomination of the various religious societies. The President directs that an executive order be issued

reappointing the same persons as the advisory board under the system to be inaugurated on January 1, and that Indian agents and superintendents for the present be exempted from the requirements of competitive examination.

January 23, 1871.—Cabinet . . . I mention that several vacancies exist in consular agencies which ought to be filled, and nominations have been received, but that the civil service regulations prohibit the appointment without examination; that the parties reside at great distances from here; the offices are of little value, the candidates probably would not come here for examination, and no board of examiners exists. The President advises that they be appointed at once, subject to such rules as may be adopted hereafter for examination. I object, and propose to refer the facts to the Advisory Board, wishing to oblige them to realize the impracticability of their rule as applied to the consular service.

Much conversation ensues as to the general nature and the impracticable character of the scheme proposed by the late Commission. Among other things it is suggested that they be asked for an estimate of the expense necessary to establish their examining boards, etc., with a view to laying it before Congress for an appropriation, and thus throwing upon Congress the decision whether they will carry out the proposed scheme.

To unprejudiced observers, the weakest portion of Grant's record was its Southern chapter. No one could gaze at the poverty, misgovernment, and violence which reigned in 1872 throughout the lower South without realizing that he had fallen far short of the goal he had announced in 1868. Military reconstruction and Negro suffrage were bearing their full fruit; in State after State the whites, in desperation, were using force to throw off the intolerable yoke of Negroes, Scalawags, and Carpetbaggers. The Congressional Radicals and Grant had replied to their efforts by the harsh Ku Klux legislation of the spring of 1871.

All this was quite outside Fish's province. But a single significant entry in his diary, February 24, 1871, indicates the temper in which Grant had written his message of the following month asking for the Ku Klux law, and shows that already he was trying to moderate the President's policy. "The President refers to the condition of affairs in the South, especially in South Carolina," it runs. "Reads the report of the State Constable of the condition in several counties; murders, whippings, and violence. He expressed a determination to bring a regiment of cavalry and perhaps one of infantry from Texas, where (he says) they are protecting from the Indians a population who annually murder more Union men, merely because they are Union men, than the

Indians could kill of them. The question of bringing colored troops is considered. On the one side it is urged that the presence of colored regular soldiers will encourage the Negro population, and give them more courage and self-reliance; on the other it may irritate the white population, and provoke collisions, in which case many at the North will say it was unwise to provoke a prejudice. I present the latter view, Robeson and Delano incline to the former." Sixteen companies of white troops were sent into South Carolina.

While in his last annual message before the campaign Grant proposed the removal of disabilities from all Southerners except "the great criminals," otherwise he stood adamant on his rigorous policy. Rutherford B. Hayes was probably correct in believing this policy popular in the North. Prejudice against the "rebels" was still intense. Even Fish rather frigidly defended Grant's course. Writing October 26, 1872, to Edward S. Baker of Mississippi, who had denounced the Carpetbag tyranny, he offered some unconvincing arguments: ⁸

You have had four years' experience of General Grant's Administration. Going into office at a period when much of the animosity excited by the War still remained, when the States which had seceded were still out of the Union, when vast numbers at the South were disfranchised and incapacitated from holding office, we now see a general feeling of kindness and a return to the fraternal recognition between North and South which marked the era of the past. Every State is now represented in the Senate of the U. S. Every Congressional District has its representative in the House of Representatives. No man at the South is disfranchised by any laws of the United States, and with the exception of a very few (probably not to exceed a hundred) no man is disqualified from holding office. . . .

You say that Mr. Greeley promises you relief from these "Carpetbag Vultures," but General Grant says nothing. Mr. Greeley is in a position where he or friends for him may and do promise all sorts of things. General Grant is a very different man from Mr. Greeley; he will make no promise that he does not think he can execute. . . . I am sure that General Grant does not desire to subject you to the government of persons among you whom a majority of your own people do not desire as rulers. If, as you say, he is silent while Mr. Greeley is profuse in his promises, it is because he does not mean that a promise of his shall be thrown in his face, because it was impossible to execute it. Neither the President nor Congress can prevent the moving into your State of such persons as desire to settle among you, nor can the President or Congress prevent the people of your State selecting whom they choose for local rulers. . . .

⁸ Letterbooks.

II

Foreign affairs fortunately played little part in the campaign. Just before the Liberal Republican Convention met, Blaine believed that the British demands on the indirect claims would become an issue. "Your father," wrote Mrs. Blaine to her son on May 1, 1872,⁹ "was so impressed with the fatal influence which any concession on the part of Mr. Fish would have on our political situation, that he went in to talk over matters with him Sunday evening. Was there till a very late hour." But this question was quickly disposed of to general satisfaction.

The Congressional inquiry into the sale of War Department arms to France, pushed to the utmost by Sumner and Schurz, proved a disappointment before the campaign really began. Doubtless Sumner's principal object in originating it was unimpeachable. But some of its supporters hoped it would arouse German-American hostility against Grant; and the Senate discussions of February and March, 1872, turned quite as much upon its political aspects as upon law and fact. The War Department, not the State Department, was the object of attack, and politicians who knew the inner facts feared that Rufus Ingalls, Grant's and Babcock's friend, might be brought to bay. Fish's chief concern was lest it might embarrass our relations with Germany.

At the outset, as Fish's diary shows, Grant came near making a characteristic blunder. On February 13th the Cabinet discussed the investigation at length. Secretary Belknap stated that most of Sumner's information had been furnished by the Marquis de Chambrun, counsel to the French legation. According to de Chambrun, employees in the War Department had taken bribes and otherwise profited by the sale of arms. "Well," said Grant, testily, "I want you, Boutwell, and you, Williams, to order the immediate prosecution of all persons in New York who testify that they gave bribes to government officials. I want all persons accused on good evidence of either giving or taking such bribes prosecuted." Boutwell and Williams acquiesced, and the latter asked: "Shall we make a public statement that such orders have been given?" Grant was about to say yes when Fish interposed. "No, no," he exclaimed. "Such a public order would be a dreadful mistake. If the rumor got abroad that there was such an order at all it would give our

⁹ *Letters of Mrs. James G. Blaine*, I, 123-24.

enemies an opening. They would say that the Administration is intimidating witnesses, and trying to prevent them from giving testimony." He was so obviously right that no more was heard of the order.¹⁰

In the end the investigation was carried out by a thoroughly "safe" committee. Sumner, now ill and broken, declined to sit on it, and Schurz was denied a seat, but both were asked to testify. Secretary Delano told Fish ¹¹ that he had seen Schurz and Lyman Trumbull in frequent consultation with men he knew to be "infamous characters." After thirty-one sessions, the committee made a whitewashing report which Sumner and Schurz denounced in fierce terms.¹² Their indignation was justified, for the report not merely covered up suspicious facts, but contained much bad international law. The best authorities hold that a government vending large quantities of arms during a war must know that the purchasers intend them for one of the belligerents, and is guilty of a dereliction. But the controversy attracted little attention, and the German-Americans continued to prefer Grant to Greeley.¹³

The reasons for this were simple. Administration leaders had handled the inquiry in a way to minimize the evidence of dishonesty; the war was over; the arms sold to France had done her little good; and above all, the German Government itself made no written complaint. For this last fact George Bancroft tried to take all the credit. He wrote Fish that while the investigation had impaired the good feeling of the Germans for the American people, it had not injured "me personally" at all.¹⁴ "The Emperor treats me with the kindness which has never varied; Bismarck invited me (and I believe no one else) to visit him at his new acquisition; and the Emperor's son-in-law, the reigning Grand Duke of Baden, passed an hour with me a few mornings ago on a voluntary visit that was as friendly as possible. So you need have no anxiety about the Emperor's fidelity in our San Juan reference. As to the sale of arms, I had to use all resources to prevent official complaint during the winter of 1870-71, but I succeeded; and you can say with the utmost truth that no complaint or remonstrance was made to me. On the contrary, our friendly relations were unbroken." The inquiry

¹⁰ Diary, February 13, 1872.

¹¹ Diary, March 26, 1872.

¹² *Congressional Globe*, May 30, 1872. Senate Report 183, 42d Cong., 2d Sess. See Thornton's report in *Br. and Foreign State Papers*, Vol. 61, 925; Hall's *International Law*, 5th ed., 598.

¹³ Cf. Pierce, *Sumner*, IV, 513.

¹⁴ Bancroft to Fish, about April 15, 1872; Fish Papers. Bancroft had a habit, especially reprehensible in a historian, of leaving letters undated.

had after all done something—it had given Bancroft an opportunity to plume his vanity. But in America it probably did not change a thousand votes.

Inevitably the Liberal Republican and Democratic assaults on the Administration included some thrusts at the State Department. Throughout the summer the Geneva Tribunal was hard at work; Bancroft Davis, Evarts, Cushing, and Waite were presenting the American case with the utmost ability. Why should anyone wish us to fail there? Yet while the game was being played out, the New York *World* published offensive articles, printed garbled extracts from State Department despatches, offered a pro-British interpretation of the evidence, and arrived at unfair conclusions.¹⁵ Fish asked a trusted journalist to expose the unfair statements of the *World*, *Tribune*, and *Herald*.¹⁶ He believed that Administration organs would be glad to print a short, strong article, which the National Committee might broadcast in pamphlet form. Washington newspapers used this article, but the press in general was reluctant to copy an article inspired by the government. To Bancroft Davis, just after his triumph at Geneva, the Secretary wrote in sympathetic terms.¹⁷ "You have had an over-full measure of personal abuse, but your work and its results will vindicate you as soon as the bitterness and the blackguardism attendant upon the Presidential contest shall have passed. I have had my share and know how unpleasant it is, but I know that the thinking and substantial part of the public form their own opinions and approve what has been done. . . ."

The decision of the Geneva Tribunal on September 14 of course redounded enormously to the credit of the Administration. And another diplomatic victory came soon enough afterwards to assist the Republican fortunes. The German Emperor on October 21, 1872, decided the question of the San Juan channel in favor of the United States. The line was to pass through the Haro Canal, and San Juan Island, after a dispute of twenty-six years, was safely American.

III

As soon as Greeley was nominated, most Eastern business men had rallied impressively to Grant. Some of them feared the South; all of

¹⁵ See, e. g., the N. Y. *World*, August 18, 1872.

¹⁶ To Henry O'Connor of Washington, Garrison, September 21, 1872; Letterbooks.

¹⁷ September 21, 1872; Letterbooks.

them feared that the reformers would pursue tariff and taxation policies inimical to vested interests. John C. Hamilton, who typified the wealthier men of New York City, wrote Fish on May 31 ¹⁸ that while he felt a kind regard for Greeley personally, he shuddered at the thought of his election, for as Grant was pledged to the Union, Greeley was pledged to disunion. A more important reason came out in the next sentences. "I wish the income tax could yet be repealed. Our Union League has denounced it unanimously. They contribute very largely at elections, and when we are to pay a city tax of 2.75 per cent, it is unfortunate this income tax is now to be called for. But I suppose, though we probably will lose this State, it is too late." It was not too late. Union League members were soon blessing the Republican policy that placed the principal burden of taxes on the farmers and workingmen; they perceived more than ever that Grant meant safety.

The rally of other groups was equally striking. Most colored voters preferred their military liberator to the editor who had demanded a truce in 1864. Most Northern veterans were with Grant. The Middle West remembered that he was its son. William Cullen Bryant, after a sharp editorial upon Greeley's uncouth manners, presided over a meeting of disgruntled liberals who repudiated his candidacy. On June 1 Thurlow Weed assured Fish ¹⁹ that the nation as a whole was behind the Administration, and that his only uneasiness was over the polyglot metropolis. "The Tammany thieves hope by this movement to bridge over the great gulf that separates them from all creditable personal or political associations. They have evidently made their bargain with Greeley. If the Baltimore Convention should endorse him, the Irish will break loose and go for him wildly." Yet many Irishmen gratefully recalled Grant's moderation in 1870 toward the Fenian prisoners.

As the skies brightened, the chief anxiety of the President's friends was lest he might make some costly blunder. All summer he was under a galling fire from the reform press for his nepotism, his easy acceptance of gifts, the military atmosphere of the White House, the lack of vigilance, efficiency, and high purpose in his Administration. Critics dealt sharply with his love of "fast trotters" and of the Capuan ease of Long Branch. He might have replied. But with marked unanimity, his friends refrained from asking him to make campaign trips, deliver speeches, or indeed do any public act. Their attitude may be judged

¹⁸ Hamilton to Fish from New York; Fish Papers.

¹⁹ Fish Papers.

from a single episode recorded in the diary. On July 15 Fish, half ill from overwork, returned from a brief visit to Garrison to attend a Cabinet meeting scheduled for the 16th. At the appointed hour he trudged up the White House steps. Creswell and Delano were waiting in the hall—but no President! Grant had decided that business was not sufficiently urgent to call him from Long Branch, and had telegraphed Horace Porter that he would not come until the next week. The Cabinet members (Williams was in the city ready to attend) discussed the matter. Fish might well have been irritated. The President had notified him that the Cabinet meeting would be held, and had made no reply to his letter announcing that he would travel 300 miles to attend it. But he had only one thought: “If the Democratic papers get hold of this,” he wrote,²⁰ “they will make capital out of it.”

As the summer passed all the news which reached Fish was favorable. Senator Howe wrote in August ²¹ that while some Republicans had left the party, the great mass were more earnest than ever, and “my belief is the demoralized Democracy will supply all losses from defection.” Some New York leaders still felt uneasy. But Fish informed Bancroft Davis in midsummer that from what he could observe, “we shall gain at least three from the Democrats for every Republican who votes for Greeley. . . . It was by audacious bragging and political trickery that the Greeleyites captured the Cincinnati Convention. The hungry appetite for office and patronage brought the Baltimore Convention into condition to surrender without demur to the Greeley men. The movement, however, is formidable.” Seward pronounced for the Administration, and a prominent Democrat shortly assured Fish that Grant would carry the State by a hundred thousand.²²

IV

Thus the October elections in Ohio, Indiana, and Pennsylvania drew on. Greeley’s tour of these States had attracted huge audiences, and his speeches had made a strong impression. The Administration was still distinctly nervous. Particularly did Pennsylvania and Indiana seem doubtful; Ohio, where Secretary Delano had great prestige and Gree-

²⁰ Diary, July 15, 1872.

²¹ From Green Bay, Wisconsin, August 2, 1872; Fish Papers.

²² Fish wrote Bancroft Davis, August 6, 1872, that he had made inquiries in the neighborhood of Garrison, and that if it offered any index, Greeley could not carry New York—which was vital to his success.

ley was in ill-favor, was fairly safe. In Pennsylvania, Andrew G. Curtin, the war governor and "soldiers' friend," had returned from Russia eager to continue his political career and nervous lest Grant give all the patronage to the Cameron machine. Fish urged the President to see him and make sure of his support, for conquest of the State in October "will make easy work throughout the country in November." Other precautions were taken. Speakers were poured in, manufacturers were forced to make large contributions, and Negro workers were brought from Virginia and Maryland. The *Tribune* declared that "there was nothing in Pennsylvania which was not bought."

The night before these elections, October 8, Fish wrote Elihu Washburne: ²³ "I am very hopeful, but not without anxieties. The consequence in one direction or another will be significant."

It was more than significant. It decisively shattered the hopes of the coalition behind Greeley. The Republicans carried Pennsylvania and Ohio by heavy majorities, while the slenderness of Hendrick's majority for governor in Indiana presaged a Republican victory there in November.²⁴

Fish expressed a glowing elation.²⁵ "The Presidential election may be considered as decided. Yesterday's work in Pennsylvania, Ohio, and Indiana can leave no question; the campaign henceforth is easy. White coats and hats are now at a discount. Was there ever a more barefaced, profligate, unprincipled coalition?—or a more shameless sacrifice of principles and of profession in a wicked effort to obtain spoils? The Republican Party is stronger as well as purer by reason of the men who have gone out from it." But he wrote his friends that there must be no relaxation of effort—that the "amalgamation party" and the "Dolly Varden ticket" must not merely be defeated, but crushingly defeated. "The snake is scotched but not killed," he warned Senator Anthony.²⁶ "In 1868 the rebels tried to regain power under Horatio, and now they are trying under Horace; a very slight change of name, none of principle."

To the very end the Liberal Republicans continued to assail Grant for tyranny at the South, Caesarism at the North, and general laxity and favoritism. The Republicans continued to ridicule Greeley's Fourierism, vegetarianism, and other isms, his linen duster and white hat,

²³ Letterbooks.

²⁴ Schouler, *United States*, VII, 216.

²⁵ Fish to Elihu Washburne, October 12, 1872; Letterbooks.

²⁶ Fish to Anthony, October 13, 1872; Letterbooks.

his political vagaries, and his softness toward "rebels." But the outcome became more and more certain. In choosing a President most Americans are conservative; and even malcontents thought it more conservative to stay in the frying pan than jump into the fire. W. T. Sherman remarked: "I prefer the ills we have rather than those threatening us."²⁷ As the campaign closed, its bitterness increased. Nast's caricatures of Greeley as a combination of simpleton and knave stung the editor deeply. Grant's opponents, especially the Democrats, revived the report that he was a drunkard. On this point Fish wrote an emphatic letter to a Southern inquirer:²⁸

I have known General Grant very intimately since the close of the war. I have been much with him at all hours of the day and night—have travelled with him days and nights together—have been with him on social and festive occasions as well as in hourly intercourse of close official relations. I have never seen him in the most remote degree under any excitement from wine or drink of any kind.

I have never known either exhaustion and fatigue of travel, or of continual anxious labor, to lead him to any undue indulgence in any stimulant of drink. The very close personal association which I have had with him for many years justifies me in saying that the imputation of drunkenness is utterly and wantonly false, and that his use of wine is as moderate and proper as that of a gentleman need be.

The Republican candidate for Vice President was Henry Wilson of Massachusetts, "the Natick cobbler," supposedly an austere embodiment of all the virtues. Beyond doubt he was a highly estimable man; but Democratic campaigners would have given much for an entry in Fish's diary for May 12, 1870, upon him. James Watson Webb that day had told the Secretary of a recent conversation with General Thomas Jordan, who in 1861 had been adjutant-general of the Confederate forces at Manassas, and chief of staff under Beauregard. According to Jordan, at the outbreak of war he had found that an intimacy existed between Senator Wilson and one Mrs. Greenhow. He established "the same kind of intimacy" with her. He then induced her to extract from Wilson all the official news that she could get; and, provided with a cipher, she sent this to the Confederate authorities. Thus she obtained from Wilson in-

²⁷ *Sherman Letters*, pp. 337, 338. A writer in the *Atlantic* for September similarly wrote: "Thousands, perhaps hundreds of thousands of citizens will abstain from voting at all because they believe both candidates personally unqualified, or disqualified, for the Presidency."

²⁸ Fish to C. C. Amsden, October 25, 1872; *Letterbooks*.

formation that McDowell had been ordered to advance upon Manassas, which she immediately communicated. The Confederates knew all about McDowell's plans within a few hours after the orders were given, and in this way were able to concentrate their troops and win the battle of Bull Run. Fish of course put this dubious story in his diary for what it was worth. But if it had leaked out, it might have enlivened the campaign immensely.

When Fish seized his newspaper on November 6, he found that Grant had been reelected by a sweeping popular vote, while his majority in the electoral college was still more overwhelming. Greeley carried only six States, all in the former slave area. His defeat plunged him into depths of humiliation. Almost simultaneously the death of his wife plunged him into depths of sorrow, and the prospective loss of his editorship of the *Tribune* into depths of despair. His mind gave way, and the country had hardly learned this before still more tragic news arrived. In Fish's papers is a brief note from Grant dated November 29. "My dear Governor," it read, "under the circumstances, Mr. Greeley having died this afternoon, Mrs. Grant, Nellie, and myself send our regrets for not attending Mrs. Fish's party this evening."

Grant accepted the victory as merely his due. He had returned from Long Branch shortly before election day as imperturbable as ever. But it was obvious that he had never regarded the Liberal Republican movement as a rebuke; he thought of it as simply an impertinence. He had told Garfield that it reminded him of a Western experience with coyotes. Once when he had believed that he heard a hundred of them howling, he found that there were only two! His gratitude to the politicians who had carried him through the crisis was frankly expressed, and both he and they took the verdict as a complete vindication. Fish wrote the rector of St. Mark's: ²⁹ "The overwhelming numbers by which the people have expressed their approval of his course do not seem to move him so much as the quiet, thoughtful congratulations of those who from the retirement of their studies tender him a tribute of approval which come from unselfish patriotic emotions."

The President's complacency was increased by the heavy blow which fell upon Congress immediately after the election. He had deeply resented the readiness of Congress to investigate the executive branch of

²⁹ Fish to Dr. T. E. Vermilye, November 9, 1872; Letterbooks.

the government. The inquiries of the previous spring into the New York Custom House and the sale of arms had irritated him. He therefore felt no sympathy when the Credit Mobilier scandal exposed Congress itself as wearing sadly besmirched garments. Rumor had been busy ever since 1868 with the name of the Credit Mobilier, a corporation used by Representative Oakes Ames and other promoters of the Union Pacific Railroad to construct its line in a fashion highly profitable to a few inside men. During the campaign these rumors had grown into categorical charges in the New York *Sun*.³⁰ On the day Congress met in December, 1872, the House at Speaker Blaine's instance, and without a dissenting vote, ordered an investigation. This was conducted by a committee of five under Luke P. Poland of Vermont, assisted later by a similar Senate committee under Jeremiah M. Wilson of Indiana. It showed that Oakes Ames, wishing to protect the Credit Mobilier from Congressional scrutiny or unfriendly legislation, had offered fellow-members of Congress blocks of stock on terms so generous as to constitute bribery. A considerable number had taken shares. Some now brazened their course out; others attempted a denial—until Ames produced a memorandum book and other evidence which implicated them.³¹

Within six weeks the investigation had proved shockingly destructive. The *Nation* of January 30, 1873, summed up its first effects as "total loss, one Senator; badly damaged and not serviceable to future political use, two Vice Presidents and eight Congressmen. The condition of Ames's reputation language is inadequate to describe." The Senator was Patterson of New Hampshire; the Vice Presidents were Schuyler Colfax and Henry Wilson; and the damaged Representatives included James A. Garfield and Grant's critic Henry L. Dawes. Fish, shocked though not astonished, reflected the Administration view when on February 20, 1873, he sent Schenck some caustic observations upon Congress.³² "Last winter it was 'investigating' the Executive Departments; now, on the Christian maxim of rigid self-examination, it is investigating itself. And what developments! Since the early days of the church, has there been such a

³⁰ Beginning September 4, 1872.

³¹ For the House (Poland) findings see House Reports Nos. 77, 78, 42d. Congress, 3d. Session; for the Senate (Wilson) findings, Senate Report, No. 519, 42d Congress, 3d. Session.

³² Letterbooks.

slaughter of 'Christians'? Cold water does not seem to wash away all suspicion (?) of wrong. 'Tis sad and sickening to see reputations which one had loved to believe well-earned and pure knocked to pieces, and leave no chance for friends to say a word. For most purposes the present Congress is practically demoralized. So many are struck at, and they too leaders, that little beyond the appropriation bills seem *really* to engage attention."

Congress was further discredited as its session ended by the disgraceful "Salary Grab." To the country it seemed bad enough that Grant should allow his salary to be raised from \$25,000 to \$50,000 a year, when the spirit though not the letter of the Constitution forbade a President to sign a bill increasing his own emoluments.³³ But it was far worse for Representatives and Senators to vote themselves a virtual bonus. They not merely lifted their future salaries from \$5,000 to \$7,500, but made the increase retroactive for two years—each member thus receiving \$5,000 in a lump sum. The bill passed March 3, 1873. A storm of anger swept the nation, and the reputation of Congress sank to the lowest point since slavery days. Grant's shortcomings for the moment seemed slight by contrast with this shameless theft.

The next day, March 4, Grant rose in front of the Capitol to read the most complacent and fatuous of all his public papers, his second inaugural. Though Fish nowhere commented upon it, we cannot doubt that it filled him with pain and disquiet. Half of the press treated it with contemptuous sarcasm. Of all the documents in that variegated compilation, Richardson's *Messages and Papers of the Presidents*, it is the most remarkable. With the one merit of brevity, in two and a half pages it presented an appalling array of empty clichés, shallow thinking, and bad grammar. Grant could write like a great commander when his mind was filled with his subject—the principal part of his *Memoirs* proves that; but when he tried to generalize upon politics and economics he wrote like a tanner of Galena. And worse than the intellectual defects of this paper was its evidence that he was in a cocksure and self-satisfied mood. He had written it without advice from anyone. Speaking of the recent election as "my vindication," he made

³³ The President is not permitted to approve a bill raising his salary during the term for which he has been elected; Grant on March 3, 1873, approved a bill doubling his salary for the term beginning March 4. Salaries of Cabinet officers and Supreme Court justices were simultaneously raised to \$10,000 a year. *Congressional Globe*, 42d. Congress, 3rd Session, pp. 1671 ff.; 2045 ff.; 2101 ff.; 2179.

it plain that he intended to take the reins of government into his own hands.

He began in patriotic vein. "The past four years, so far as I could control events, have been consumed in the effort to restore harmony, public credit, commerce, and all the arts of peace and progress. It is my firm conviction that the civilized world is tending toward republicanism, or government by the people through their chosen representatives, and that our own great republic is destined to be the guiding star to all others." This echo of Jefferson Brick, "We air a great people and we must be cracked up," would have been strange at any time. But it was particularly queer just after the Credit Mobilier and Salary Grab. Grant threw out a few philosophical truths. Thanks to the telegraph and "rapid transit by steam," all parts of the continent had been "made contiguous for all purposes of government." He offered one sentence upon the Negro. He would not ask any action for improving "the social status of the colored man, except to give him a fair chance to develop what good there is in him, give him access to the schools, and when he travels let him feel assured that his conduct will regulate the treatment and fare he will receive." He then returned to ungrammatical generalizations—"I believe that our Great Maker is preparing the world, in His own good time, to become one nation speaking one language, and when armies and navies will no longer be required." And he concluded with a plaintive reference to his faithful performance of many heavy duties:

Notwithstanding this, throughout the war, and from my candidacy for my present office in 1868 to the close of the last Presidential campaign, I have been the subject of abuse and slander scarcely ever equalled in political history, which today I feel that I can afford to disregard in view of your verdict, which I gratefully accept. . . .

Another act of Grant's made the judicious grieve. No man had fared worse in the Credit Mobilier scandal than Schuyler Colfax. He had accepted Oakes Ames's bribe of stock. He had lied about it afterwards. When his story was investigated, it was shown that he had also sold his influence as Speaker to a manufacturer of envelopes who held a large contract with the postoffice. Yet Grant now gave him a letter expressing the strongest faith in his integrity; the more unfortunate because it recalled that, just after the Custom House investigation, Grant

had written Tom Murphy a missive expressing affectionate admiration and respect, and just after the Black Friday affair, a similar letter to Daniel Butterfield.

Altogether, the prospect for the coming four years was not without its shadows.

WITH the Geneva Arbitration triumphantly ended, and Grant safely reëlected, Fish turned back, doubtless with a sigh, to the one great problem which confronted him every year, without respite, from 1868 to 1877. Diplomatically, but a single cloud hung in the sky; it lay in the familiar quarter above Cuba—a thick and sable cloud, lit up momentarily by jagged thrusts of lightning.

Cuba!—every American, thanks to a torrent of books, magazine articles, and newspaper correspondence, fitted a lurid picture to that word. In 1872–73 it was probably the most tragic spot on the globe. The four-year-old insurrection was maintained as ferociously as ever by guerrilla bands. Armed with machetes, variegated firearms, and scanty doles of ammunition; commanded by the indomitable Gomez, Garcia, and Agramonte; holding the mountains of the east in force, roving the woods, and pouring out of ambuscades; still hopeful of American intervention, the Cubans struggled on.¹ For every man their hornet bands lost in battle the Spaniards lost two; for every man they lost by disease the Spaniards lost five. Adventurers, Creole patriots, and escaped slaves steadily filtered into their ranks. Deep in the rugged highlands between Cabo Cruz and Santiago de Cuba stern little President Cespedes, in a hut with a hammock, a stick-table, a lath stool, a few valises for clothing, and a repeating Winchester, gave their cause a touch of civil dignity. In New York their Junta boasted of “three army corps” of well-drilled men, controlling two-thirds of Cuba.² This was absurd, for they had lost ground; but their battalions of fluctuating strength—now not more than 10,000 men in all—did half-control, half-terrorize one-fourth of the island.

And what of the Spaniards? In four years 76,000 lads and men had been mustered in Spain and sent clattering down the gangplanks in Cadiz and Vigo; in the same years 46,000 had been shovelled into sandy graves, or sent home emaciated wrecks.³ To the 30,000 ill-fed men who remained, almost all infantrymen, with little artillery, fell

¹ Cf. F. V. Aguilera and Ramon Cespedes, *Notes About Cuba* (1872); Cuban Junta, *Facts About Cuba* (1870); J. J. O’Kelly, *The Mambi-Land, or Adventures of a Herald Correspondent in Cuba* (1874).

² Aguilera and Cespedes, *op. cit.*

³ Gallenga, *Pearl of the Antilles*.

the bloody field-fighting. The Volunteers maintained the "home front" in cities and towns, with more of marauding expeditions, lynchings, and other outrages than of real encounters. Though they seldom lost any men, they insisted on killing captives, hunting rebels with bloodhounds, and cowing the Creole population with sudden bloody strokes. Most of them had left Spain as adventurers, eager only to make money, and were as fierce of temper as Pizarro's men; chiefly bachelors, they had lived as turbulently as California gold-diggers. War now brought out the worst in them. They were largely controlled, moreover, by the harsh ruling oligarchy, representing the great land-holding, slave-owning, and commercial families. Neither civil nor military leaders from Spain dared interfere with the Volunteers or oligarchy, for their support was essential to the mother country. Year after year, the oligarchy could hold the rich sugar-districts and the great importing and exporting businesses by spending say 15,000 lives and \$20,000,000. The lives came from Spain; the money was wrung out of the Cuban people; those who crowded the Casino Espagnol in Havana and Santiago risked little and gained everything.⁴

One incompetent captain-general succeeded another. De Rodas, forced by Volunteer pressure in 1871 to resign, was replaced by Count Valmaseda, whose bloody proclamation had so horrified America. The new leader was pungently described by Sickles in a letter to Bancroft Davis.⁵ "Valmaseda out-telegraphs De Rodas. The latter put down the insurrection every month *morally*, the former demolishes it every night *materially*. Yet it still lives and will not die. The poor fat count is only appointed *ad interim*, and of course he has to put down the rebellion *ad interim* or lose his place with its \$100,000 a year, a palace, and a vice-royal establishment—besides innumerable perquisites out of which a fortune is always gained. Valmaseda is even less a soldier than de Rodas; . . . they say he is not only without capacity, but that he lacks pluck." Happily, Valmaseda did not last long. Late in 1872 he was replaced by Concha, who had served twice in the same office before; a man less a pet and tool of the Volunteers, but far from a great statesman.

⁴ The Cuban Consular Reports, Vols. 61-64, State Department Archives, contain a mass of valuable material. H. C. Hall and Thomas Biddle sent especially valuable papers from Havana. They were impressed by the guerrilla character of the war and the apparent hopelessness of ever ending it.

⁵ March 7, 1871; Davis Papers. Cf. London *Times*, January 25, 1873, on Valmaseda.

Estimates of the aggregate losses in Cuba vary. The best authority states that the war cost 150,000 lives in the first four years, including Spaniards, Cuban rebels, and the non-combatants crowded by Spanish orders into the towns. Wealth was poured out in floods; devastation wrecked villages and countrysides. But the contractors, bureaucrats, and generals prospered; and so, with sugar prices rising, did the planters. Slaves, after a temporary depression, were worth as much as at any time in the previous dozen years. The Moret law of June, 1870, emancipating all aged slaves and all slave children born after its enactment, was kept a dead letter. Indeed, the Volunteers did not even permit its publication for nearly two years.⁶ A ten years' war sounds horrible, but some men always find any war too short, and in Cuba this group were all-powerful. In distant Spain the people, haughty and ignorant, quarreled over every issue save one—they would hold to the pearl of the Antilles. Neither merchants nor politicians, church nor military, King Amadeus nor the republicans, could afford to lose it. The peasants and workmen whose sons died under its palms could not afford to keep it, but this they had not yet learned.

To the end of his career General Prim had believed in selling Cuba to its own people. After he had brought about the election of Amadeus as king in 1870, he had again occupied himself with the Cuban question from the same point of view from which he and Sickles had previously studied it. Frankly and openly, he sent an agent, a Cuban liberal named Nicolas Azcarate, to the New York Junta with an offer of autonomy. Secretly, he sent other agents to the Junta who were authorized to offer full independence if the Cubans would indemnify Spain by a payment of \$200,000,000 (the price had gone up!) guaranteed by the United States. In November, 1870, the poet Juan Clemente Zenea went to Cuba to negotiate with the insurgents in the field. He carried a safe-conduct from Don Lopez Roberts, and both Roberts and Azcarate guaranteed his life in the name of General Prim. The ruling oligarchy in Cuba were desperately frightened by the possibility that his mission would succeed. But on December 27, 1870, Prim was mortally wounded in Madrid, and died three days later. The day of his death the Spaniards threw Zenea into a Cuban prison; and there the irreconcilable Valmaseda held him

⁶ Foreign Relations, 1872; see London *Times*, October 11, 1872, on Cuban slavery. Consul-General Thomas Biddle sent May 7, 1870, a British estimate that the war had cost not less than 54,850 lives in its first twenty months. He thought this too low, for Spanish officers notoriously reported many dead men alive that they might draw their pay.

for eight months, until in August, 1871, he was shot. With Prim died all hope of the purchase of Cuba.⁷

In the United States the Junta, with the aid of Colonel Ryan and other leaders, was as busy as ever, and Congress and the press remained sympathetic. At times general indignation was aroused by some outrage. Thus in November, 1871, a party of medical students of the University of Havana entered a cemetery. In a frolic they scratched some satirical verses (so it was alleged, and also denied) upon the tombs of two Spanish patriots. The Volunteers rose in "a ferocious and riotous mob," "a savage rabble," to use phrases applied to them in the Spanish Cortes itself. Defying the Spanish commander, they had eight of the students, including one boy who had been in Matanzas on the day of the episode, summarily shot; while some thirty others were sentenced to hard labor in the chain gangs. Other occurrences indicated that Havana was ruled not by Spain but by irresponsible Volunteer leaders. So long as Madrid controlled Cuba, it was the duty of the United States to refrain from intervention. But if the mob took control, intervention to protect American lives and property would be imperative; the more imperative because the Volunteers were savagely hostile to Americans.⁸

The danger of some "incident" was increasing. Formidable naval forces now lowered at each other in Cuban waters. During 1872 four Spanish ironclads, British-built and well armed, had been based on Havana.⁹ In fact, most of the fleet of the monarchy was there. The American Government early that year sent seven ironclads, with nine unarmored vessels, to southern waters—"a formidable force," Thornton wrote Lord Granville.¹⁰ Admiral Porter told a British naval officer that fourteen monitors could steam for Havana on a few hours' notice. Though Fish and Robeson heard that many Spanish commanders were spoiling for a fight, experts in Washington and London agreed that the American navy was superior in armament and personnel.¹¹ Spain notoriously had to employ Britons and Americans for engineers; little coal was available in Cuba; and the ships would soon be sunk or

⁷ I have received valuable information on Prim's last offers from Dr. Luis Fernandez Marcané of Havana, Cuba.

⁸ *Nation*, December 7, 1871.

⁹ Two ironclads had been there; early in 1872 Spain sent two more. Layard to Granville, December 8, 1871; PRO, FO 115, 550.

¹⁰ Thornton to Granville, January 9, 1872; PRO, FO 5, 1361.

¹¹ Cf. Annual Reports Secretary of the Navy, 1870, 1871, 1872.

helpless. Probably no leader in Madrid doubted that a war would end in quick defeat.¹²

Even so, Spanish leaders could think of worse calamities. All would be lost save honor—and the significance they attached to honor was enormous. Fish heard in the summer of 1872 of an interview which had just taken place in Madrid between Foreign Minister Martos and the British Minister, Layard. The latter stated that Great Britain fully supported the American position upon slavery in Cuba, and did not believe that further delay could be excused. "I can see but one way out of the predicament in which the Spanish Government is placed. That is to make so public and explicit a declaration upon your future policy in Cuba, especially with reference to slavery, as will satisfy Great Britain and anticipate the demands of the United States." But Martos confessed that his government did not *dare* make such a declaration.¹³ Not only would it alienate the Volunteers and the Spanish Party in Cuba, and lead at once to the loss of the colony, but it would probably cause a tremendous insurrection in northwestern Spain, whose interests were closely connected with Cuba. The complete suppression of the insurrection was the only question upon which Spaniards of all political parties agreed, and even a popular government could not hold power a day if it laid itself open to the suspicion of leaning toward the Cuban insurgents. Layard spoke of the danger of war. But Martos replied: "If we lose Cuba by mismanagement and by alienating the affections of the loyal inhabitants, we should be looked upon as traitors; if the United States choose to deprive us of our colony, we may have to yield in the end to superior force, but we shall have preserved our national dignity."

In short, it would be more honorable to lose Cuba by fighting the United States in behalf of slavery than to lose it by forcing emancipation upon the Volunteers! ¹⁴

I

A happy feature of the situation was that Spain was now represented by perhaps the ablest Minister she has ever sent to Washington, Ad-

¹² H. C. Hall, Confidential Report, April 18, 1872; Fish Papers.

¹³ Layard to Granville, Madrid, June 24, 1872; PRO, FO 115, 536. Austen Henry Layard was a man of high distinction—one of the first great archaeologists, the excavator of Nineveh, a former M.P., and twice Under Secretary for Foreign Affairs.

¹⁴ See *Ibid* for Layard's contempt for Spanish promises.

miral Don José Polo de Bernabe. Fish had been apprehensive when he heard that Lopez Roberts was to go, for they had gotten on well, while the press reported that Polo was hostile to the United States. But a sinister reason for Roberts' recall was soon reported to Fish by the Turkish Minister, Blaque Bey.¹⁵ Roberts' brother was civil governor of the city of Havana, lining his pockets like the rest. It was said that this brother had instigated the arrest of the eight medical students as a blackmailing operation, had demanded \$50,000 each from the parents, and on failing to get it, had caused the executions. With this tale circulating behind his back, Lopez Roberts departed in April, 1872. And Fish no sooner welcomed Admiral Polo than he perceived that the change was for the better.¹⁶ Tall, handsome, speaking fluent English, Polo exhibited dignity, cordiality, and understanding. He "seems a frank, true-hearted, and just man," wrote Fish. In the trying months that followed, his honesty, tact, and intelligence smoothed the path of Spanish-American relations.

Early in 1872 it seemed that America also would have to change her Minister. Sickles had offended Don Mateo Sagasta, chief power behind the throne of Amadeus,¹⁷ and Sagasta sent word that he wished him recalled. Polo made the request on April 26, explaining that Sickles had written rash letters, uttered injudicious remarks, and shown too much sympathy with the Spanish republicans; in fact, was an open partisan of Castelar's.¹⁸ A little more, and he would be running for office in Spain! Fish did not need to say that he could believe anything of Sickles. The Minister had just been home on leave to look after Erie Railroad affairs. As head of a powerful group trying to gain control of the line, he had bribed directors behind Jay Gould's back, and forced even that astute manipulator to come to terms with him!¹⁹ But while Fish did not defend Sickles, he made it clear that American patience with Spain was exhausted. After recapitulating a long list of grievances, he told Polo that when Sickles left, the United States would probably not trouble to replace him. "Really, it scarcely seems worth while to have a representative at Madrid. If we send another Minister, he will meet the same excuses, delays, and denials, and I see no reason to think that he will accomplish more than Sickles has done."

¹⁵ Diary, May 2, 1872.

¹⁶ Diary, April 4, 1872.

¹⁷ See London *Spectator*, June 22, 1872, for review of the Serrano-Sagasta régime.

¹⁸ Diary, April 26, 1872.

¹⁹ The *Nation*, December 12, 1872, describes Sickles' activities in Erie.

And Fish was as good as his word. When Sickles sailed for Spain on April 27, 1872, he was instructed to deliver his letter of recall, and along with it a note informing the Spanish Government that until it was ready to pay greater heed to American pleas and protests, President Grant would not send another Minister to Madrid.²⁰ This was not intended to rupture our relations with Spain. The capable Alvey A. Adee would remain at the Legation as chargé.²¹ But it was a distinct threat that a diplomatic rupture might presently follow.

Fortunately, the stiff Sagasta fell from power before Sickles could follow his instructions. Ruiz Zorrilla became Radical Premier in June, 1872; the Cabinet was reconstructed with a large republican element; and the before-mentioned Sr. Martos, one of these republicans, took charge of foreign affairs. Martos wished Sickles to remain in Madrid; as he ingenuously remarked to Layard, "He and I speak the same language of democracy. We can understand each other."²² The doughty general plunged deeper than ever into Spanish politics. Representatives of other nations were soon describing his activities in scandalized dispatches. He was hand in glove with republican leaders and agents of the Cuban insurgents; both groups met frequently at his house, consulted him upon their plans, and wrote many of their documents under his supervision. All over Europe, since France had deposed Napoleon III, radical movements showed tremendous vigor. If a republic could be set up in Spain, Sickles intended to be one of its founders.²³

Fish, who knew nothing of these intrigues, was relieved that Sickles had been permitted to remain. Throughout the spring and summer of 1872 his eyes were fixed chiefly upon Geneva. But whenever he turned them to Madrid, he felt a rising impatience. Talking with Thornton in May, he grumbled that the accumulation of American grievances was becoming "intolerable."²⁴ Some American estates had now been embargoed for two or three years, the proceeds impounded, and the property itself heavily damaged. Slavery continued to flourish and the treatment of the Chinese coolies amounted to servitude. Spanish prisons were being emptied into Cuba, and many of the worst con-

²⁰ N. Y. *Tribune*, April 27, 1872, stated he would not remain long.

²¹ Thornton to Granville, May 6, 1872; PRO, FO 5, 1363.

²² Layard to Granville, Madrid, February 16, 1873; PRO, FO 115, 550.

²³ See Sickles Papers, Letterbook 2, *passim*.

²⁴ Thornton to Granville, May 6, 1872; PRO, FO 5, 1363.

victs escaping to the United States.²⁵ "The drift of Mr. Fish's observations," Thornton reported to Lord Granville, "seemed to be that the Spanish Government was utterly powerless to protect American citizens in Cuba, and that the United States would finally have to demand satisfaction of the Volunteers, who appear to be the real masters of the island." Repeatedly the Secretary expostulated with Polo in severe terms.

Even petty cases springing out of the tyranny and disorder in Cuba often gave him enormous trouble. That of Dr. J. E. Houard was typical. A native Philadelphian practising medicine in Havana, he had been jailed in December, 1870, on the unfounded charge of supplying medicines to the insurgents. Two and a half years later the case still dragged its slow length along. Congress had demanded information; Fish had compiled a report embodying fifty-odd notes and other documents; Houard was now imprisoned in Ceuta, Morocco—and yet he was innocent! Because an old box of pills bearing his name had gotten into a rebel camp, Fish had wasted days of toil, our consul in Havana and our Minister in Madrid had spent sleepless nights, and Congress itself had staged a resentful debate.²⁶ Such Jenkins-ear cases were all too numerous. Moreover, the policing of the Atlantic and Caribbean against filibusters and arrogant Spanish captains was costly. Admiral Polo admitted to Thornton that the United States enforced its neutrality as effectively as could be expected.²⁷ Fish could boast that since the *Perrit*, no filibustering expedition of a really stoppable kind had gotten to Cuba. But this record was achieved only through constant expense and anxiety, all chargeable to Spain.

Americans in the spring of 1872 read curious items in their newspapers. One described the excitement in Aspinwall as the ship *Virginus* put to sea escorted by the warship *Kansas*, every gun shotted, and followed (at a safe distance) by the Spanish cruiser *Pizarro*. The *Virginus* was accused of filibustering operations, but the navy was not going to see her fired upon so long as she flew the American flag and kept outside Spanish waters. Another item told how the warship *Wyoming* convoyed the *Edgar Stewart* into Key West, the Spanish cruiser *Borgia* hovering in the rear.²⁸ But what if a Spanish cruiser should ar-

²⁵ See pamphlet, *The Cuban Question in the Spanish Parliament* (1872).

²⁶ House Exec. Doc. 223, 42d Cong., 2d Sess., is devoted to Houard.

²⁷ Thornton to Granville, August 26, 1872; PRO, FO 5, 1365.

²⁸ N. Y. *Times*, *Tribune*, June, 1872; Thornton to Granville, June 17, 1872, PRO, FO 5, 1365.

rest some American vessel on the high seas (as had happened before), and an American warship suddenly arrived upon the scene?

For its part, the Spanish Government continued to lodge protests against filibustering expeditions. On June 9, 1872, for example, the U.S.S. *Moccasin* overhauled the 130-ton vessel *Pioneer* in Narragansett Bay flying the Cuban flag.²⁹ Bought shortly before by Cuban agents, she carried three cannon, some small arms, and a ton and a half of gunpowder. Polo hurried to Glenclyffe to urge that the government take rigorous steps. The ship was simply a pirate, he declared. Fish assured him that the neutrality laws would be enforced; but he pointed out that there had been no act of piracy, and that it would be unwise to prosecute men who were merely sailing under an unrecognized flag for that crime. Polo reluctantly agreed.³⁰

A little later, Fish had an interview with an officer who sent in a card engraved "Captain Norton: The Cuban Navy." The Secretary declined to receive him except as a private gentleman. Norton entered an eloquent plea for his little ship *Pioneer*. "Several of the South American republics have recognized Cuba as an independent Power," he argued. "This recognition must be admitted by other Powers, and gives Cuba the right to carry her flag on the high seas. The *Pioneer* goes out in the same way that the United States sent out Paul Jones in the Revolution, when the United States was recognized by France but not by the Powers in general." Fish replied that the issue might have to go to the courts; meanwhile, the government intended to fulfill its obligations to other nations. The *Pioneer* never put to sea again under the Cuban flag. Thornton wrote Granville this summer that the circumspection of the Grant Administration in enforcing neutrality was not unconnected with the great adjudication at Geneva. But there is no evidence whatever for this view; it was part of Fish's consistent policy

II

Fish was soon deeply disappointed in the Radical Ministry headed by Sr. Zorrilla. It had come into power with a great blare of reform trumpets; but before the end of the first month the Prime Minister affirmed, like his predecessors, that he would grant Cuba no concessions whatever until the rebels had laid down their arms. This announcement

²⁹ *Ibid.*

³⁰ Diary.

was echoed by Sr. Martos. On a hot midsummer day, August 22, Thornton drove up the hill at Garrison with the latest news from London. The Spanish Minister there had told Granville that Spain was anxious to liberate the Cuban and Puerto Rican slaves, but could not do so while the insurrection raged, and that it raged because fanned by American sympathy. Such impudence was too much for Fish. He treated Thornton to an outburst: ⁸¹

I say that I think this government has done all that a government can be called upon to do in such circumstances; that for nearly four years we have abstained from recognizing belligerency; we have exerted the inherent power of a government to arrest expeditions and seize vessels, have broken up the Junta, and done all that a government can be called upon to do; that the continuance of the insurrection is a great cause of disturbance to the country; that Spain has not exercised proper energy to repress it; that it could have been repressed long since, but that her officers in Cuba have found its continuance pecuniarily profitable. He assents to what I say. . . . I state that . . . unless Spain is more successful in subduing this insurrection than she has been, or shows more capability to do so, I cannot say that we may not be obliged to adopt a different line of policy.

Fish had instructed Sickles to continue to demand the abolition of slavery and other reforms.³² The general was ably seconded by Republican Deputies and Senators who maintained a continuous fire upon the conservatives. They showed that army officers had embezzled large sums in Cuba. They denounced the murders by the "slaver Volunteers." They asked how long the Cabinet would protect a system of servitude which disgraced the nation. "Let me remind you," cried Eduardo Benot in the Senate on October 18, "that when Spain was the most powerful nation of the earth and the sun never set on its dominions, we lost Flanders through the Duke of Alva's cruelty. How then shall we hope to hold Cuba by fire and sword, and not by right and justice?"³³ When the Cabinet again stated that reform was impossible until the revolt ended, Sickles denounced this "declaration of a war of extermination." He told Spaniards that they must not be surprised to see the American Government revise its Cuban policy sharply.

It is little wonder that on October 24, 1872, Fish warned Polo that the situation was becoming unendurable.³⁴ "I tell him that, not speak-

⁸¹ Diary, August 22, 1872.

³² State Department MSS, Diplomatic Drafts, Spain, 1872.

³³ Cortes Proceedings.

³⁴ Diary, October 24, 1872.

ing officially, I think the continuance of the contest in Cuba without apparent possibility of success on either side is producing a state of things which will justify, if not require, a recognition of belligerency. That four years of contest without any advantage of arms by Spain over the insurgents exhibits a condition under which no complaint can be made if other Powers recognize it as war." Polo anxiously protested. He declared that Cuban independence would result in a bloody war between blacks and whites. He added that the new Zorrilla Government was the most liberal Spain had ever had; that it was sincere in endeavoring to ameliorate the condition of Cuba; and that rigorous American steps would probably cause its overthrow, and bring in a reactionary régime. All this had force, but Fish again expressed his irritation:

I remind him of our patience and endurance; of the disappointment we have met with; the promises Spain has made of granting more liberal government, of emancipation; of relieving embargoed estates, etc.; that nothing is done; the emancipation decree is made null by the regulations for its enforcement; estates are still held and in some instances where we have been promised that they should be released, it is now alleged that these cases are to be recommitted for consideration by the Junta to be convened in Havana; that we cannot submit to this; it would be a violation of faith, and an indignity to this government; that all these things look like procrastination, and we meet with no results. He urges me to write to Sickles, who he says is on the best of terms with Martos, and that Sickles will support what he will urge in favor of action and the settlement of questions.

On October 29, with Congress five weeks away, Fish sent Sickles the instruction soon to become famous as "No. 270."³⁵ This was decidedly the most menacing document which had come from the State Department during the Grant Administration. Listing at length all the American grievances, he spoke in sharp terms of the "grasping cupidity" of Cuban planters and expatiated upon the non-enforcement of the feeble emancipation law:

The United States have emancipated all the slaves in their own territory, as the result of a civil war of four years attended by a vast effusion of blood and expenditure of treasure. The slaves in the Spanish possessions near us are of the same race as those who were bondsmen here. It is natural and inevitable for the latter to sympathize in the oppression of their brethren, and espe-

³⁵ State Department MSS, Diplomatic Drafts, Spain, 1872.

cially in the waste of life occasioned by inhuman punishment and excessive toil. Nor is this sympathy confined to those who were recently in bondage among us—it is universal as it is natural and just—it rests upon the instincts of humanity and is the recognition of those rights of man which are now universally admitted. Governments cannot resist a conviction so general and so righteous as that which condemns as a crime the tolerance of human slavery. . . .

He also argued that another view might be taken of the subject. Great vested interests had for nearly two and a half years defeated one of the most important laws ever enacted by Spain. These interests were the most defiant of all in insisting upon continued Spanish dominion over Cuba.³⁶ "The example of disregard to laws thus set cannot be without its influence. If Spain permits her authority to be virtually and practically defied in that island . . . is not this tantamount to an acknowledgment of her inability to control?" He protested against Zorrilla's recent statement that pacification must precede reform as illogical, inexpedient, and indefensible; and he closed upon a threatening note:

It is hoped that you will present the views above set forth . . . in a way which, without giving offence, will leave a conviction that we are in earnest . . . and that we expect redress, and that if it should not soon be afforded, Spain must not be surprised to find, as the inevitable result of the delay, a marked change in the feeling and in the temper of the people and of the government of the United States.

Even before Sickles received No. 270, Zorrilla and Martos had offered a few concessions.³⁷ On October 20 they asked him to ascertain whether President Grant would be willing to mediate for peace in Cuba on the basis of a municipal franchise for all freemen, provincial autonomy, and a gradual abolition of slavery. Two days later Martos added a written memorandum of a programme which the Cabinet had decided upon for Puerto Rico. It embraced four points: (1) Civil authority to supersede the military; (2) The towns to elect their own municipal governments; (3) A provincial assembly for the island; (4) Abolition of slavery. The first three reforms were to be decreed as soon as the Cortes acted, but the Cabinet was undecided whether abolition should be immediate or progressive. Sickles hastened to send this encouraging

³⁶ Cf. London *Spectator*, June 29, 1872, for Zorrilla's difficulties.

³⁷ On the Spanish background, see Hannay, *Castelar*, Ch. VI.

news to Fish, Sumner, and sundry lesser friends³⁸—for he was never cursed with secretiveness. When the proposal was discussed in the Cabinet on November 12, 1872, Grant expressed impulsive willingness to extend his good offices. But Fish stopped him. He reminded the President of Paul Forbes' fiasco three years earlier. "Do we have better ground now for asking the Cubans to ground arms?" he asked. He pointed out that if Madrid were in earnest, it should be definite about the intended reforms and proffer a formal request for Grant's services. "I suggest," he said, "that we send Sickles instructions giving Spain a clear choice. Either she can apply formally for your good offices, and indicate specific reforms which meet your approval; or she can reconcile herself to our announcement that we see no reason for continuing an envoy who is unable to persuade her to redeem her promises, and that Sickles' recall will probably be deemed advisable."³⁹ The upshot was that Grant decided to have nothing to do with the proposal.

Nor did Martos follow up his trial-balloon. Other Cabinet members opposed any move, and American mediation would have wrecked the Ministry. His inquiry had just one result. Combined with Sickles' friendship for him, with Layard's warning to Sickles that tact would gain more than threats, and with Sickles' participation in the advancing republican movement, it brought about a partial suppression of No. 270. Sickles did not read that stern document to Martos. "I communicated the purport of it to him verbally only and in conversation," he later wrote Fish, "confining myself mainly to the grievances and touching very lightly on the admonitions." This was wise. All Spain was soon engaged in a fiery discussion of the proposed reforms in Puerto Rico. The conservatives hurriedly organized a league to maintain the status quo. The Spanish Colonial Clubs in Madrid, Cadiz, Seville, Barcelona, Valencia, and other cities—really branches, Sickles wrote, of the Casino Espagnol in Havana—rallied behind it.⁴⁰ They drew Serrano, Sagasta, and other leaders to their aid. They bought up every purchasable editor. They fomented a riot in Madrid in which ragged hirelings were bloodily dispersed by the military.⁴¹ No. 270 would have played into the hands of these reactionaries.

³⁸ Sickles to Sumner, October 21, 1872; Sickles Papers, Letterbook 2.

³⁹ Diary, November 12, 1872.

⁴⁰ See *Cuban Question in the Spanish Parliament*, 31, 32, for the progress of manumission in Puerto Rico.

⁴¹ Sickles to Cooper, December 17, 1872; Sickles Papers.

III

When Fish found that No. 270 had accomplished nothing, he was brought to the question of his next step. He must do something; but what? The more he considered his initial suggestion of recalling Sickles, the less he liked it. If he did this just before Congress met, the interventionists would make excited use of it. Colonel Ryan had been in Washington talking noisily of Cuban wrongs. The New York *Herald* had succeeded in getting a correspondent named Henderson arrested in Havana. Banks, Butler, and the rest were ready to make the welkin ring on ten minutes' notice.⁴² The Secretary's object was to bring Spain to terms, not to bring the United States to a declaration of war. But how?

By prolonged study, and with the aid of some suggestions from Consul Hall in Matanzas, Fish hit upon what seemed a solution of the problem. His plan was to ask Congress for high discriminatory duties upon goods from all slaveholding countries—Cuba, Puerto Rico, and Brazil being the chief. This would satisfy the Congressional friends of Cuba without encouraging jingoism. It would healthfully jar the Zorrilla Ministry. Above all, it would strike the pocket nerve of the Casino Espagnol patriots in Cuba an excruciating blow. For years the United States had bought fully three-fourths of the Cuban sugar-production. It consistently paid high rates. Indeed, sugar-cultivation had never been more profitable than in 1872; prices in Havana throughout the autumn were fully thirty per cent above those of 1869–70. On these profits slavery and the clandestine slave-trade flourished.⁴³ It was the sugar-planters, sugar-factors, and dealers in sugar-hands who were obstructing reform and peace in Cuba. A few Americans, even, owned plantations and slaves in Cuba.⁴⁴ As Boutwell informed the Secretary, discriminatory duties would cost something; they would be paid in part by American consumers and in part by Cuban growers. But it would be worth the sacrifice to throw the greedy slave-drivers into bankruptcy. On November 19 Fish brought the proposal before the Cabinet. Presi-

⁴² Fish was told of plots to create excitement in Congress; some Americans had agreed to go to Cuba and get themselves arrested. Fish to H. C. Hall, October 25, 1872; Letter-books.

⁴³ H. C. Hall, Confidential Report, April 18, 1872; Fish Papers. Epidemics in western Cuba drove up the price of slaves. Thomas Biddle had reported December 21, 1870, that adults fetched \$400–\$600 in Havana, and they soon advanced.

⁴⁴ Action against them had been proposed in Grant's annual message, 1871.

dent Grant at first demurred. But as the Secretary persisted he gave way, and prepared to incorporate the recommendation in his annual message to Congress.⁴⁵

Senators and Representatives were again crowding into Washington, and leading men were confidentially informed of the tariff plan. They expressed approval. On November 21 the Secretary talked to Admiral Polo with significant asperity. The latter had brought a letter from Captain-General Concha, asserting that the Moret Law was at last in operation and that all slaves who had reached sixty years were free. Fish scornfully replied that the law was dismally ineffectual; that all regulations for its enforcement had been drafted in the interest of the slaveholders; and that the rules for recontracting Chinese coolies meant their complete enslavement.⁴⁶ Obviously the sands were running out. Grant's message was to go to Congress at noon on December 2 with a forcible recommendation for discriminatory duties. Both houses would act without delay.

Admiral Polo unquestionably heard the current intimations that a blow at the great Cuban sugar interests was coming. In frantic communication with Madrid, he obtained an answer in the nick of time. The chill dawn of December 2 had hardly lighted I Street when his carriage whirled to a stop before Fish's door.⁴⁷ The Secretary rose hastily from the breakfast table to greet him. Polo held a dispatch which had come during the night. The Spanish Ministry had at last made up its mind.⁴⁸ Without waiting for legislation by the Cortes, but acting by executive decree, it would forthwith separate the civil and military power in Puerto Rico, extend the provincial laws of Spain to the island, and erect municipal governments there. It would also introduce a bill into the Cortes for abolishing slavery in Puerto Rico; a majority of the Cabinet being for immediate emancipation, a minority for gradual steps. This bill would be sent in as soon as a pending loan had been floated, and a new conscription of troops completed—that is, Polo hoped, soon after December 15. "My dispatch adds," the Admiral said, "that these concessions to Puerto Rico are evidence of what Spain is willing to concede to Cuba." He begged that the President's message

⁴⁵ Diary, November 18, 1872.

⁴⁶ Diary, November 21, 1872.

⁴⁷ Diary, December 2, 1872.

⁴⁸ On November 21 Fish lectured Polo severely; on November 22, Martos handed Sickles the plan of Puerto Rican reforms. Sickles to Cooper, November 23, 1872; Sickles Papers.

might contain nothing to create an impression that these steps had been produced by American threats.

Fish was pleased. He had received similar information from Sickles the previous day. Moreover, he had been softened by some recent cordial words of Martos for the United States, and by Sickles' faith in the Spanish promises of reform. "Nothing will appear in the message that can be construed as a threat," he told Polo. Speaking confidentially, he added that in view of this new information, some passages prepared for the message "will have been modified." He spoke of the plan for a discriminating tariff. "This will now be suspended," he announced. "It will be held for further consideration awaiting the action of the Spanish Government." Grant's message, spread in the afternoon press, contained nothing of note on Cuba save some approving words upon the new regulations to enforce the Moret Law, and a hope that Spain would "voluntarily grant additional measures of reform."⁴⁹

The Radical Ministry in Madrid lost no time in translating its words into deeds. Executive decrees upon Puerto Rico were issued at once. On December 21 a bill for the *immediate* emancipation of the 50,000 slaves was introduced in the Chamber. It provided for indemnifying the holders; the amount, estimated at \$8,000,000, to be raised by a loan secured on the revenues of the island, and guaranteed by the Spanish Government. As Puerto Rico had about 600,000 people, predominantly white, and was peaceful, rich, and almost debt-free, the loan offered little difficulty. Sickles, with a keen eye to business, hurriedly wrote a financial friend: "The security is perfect. . . . Britain offers to take the issue at 80 (Anglo-Spanish Bank). What will you offer?"⁵⁰ Before Christmas both houses in Madrid voted for emancipation "in principle" by large majorities; 60 to 6 in the Senate, 214 to 12 in the Chamber. In March the emancipation law passed, and the fetters fell forever from the limbs of the Puerto Rican blacks.⁵¹

But the lash and the slave-pen still existed for half a million Cuban Negroes.⁵² We have seen that Fish had already urged that emancipation be applied to the "loyal" part of Cuba. Polo talked with the Secretary on December 6. "He suggests," states the diary, "that the re-

⁴⁹ Richardson, *Messages and Papers*, VII, 189 ff.

⁵⁰ Sickles to De Laski, December 21, 1872; Sickles Papers.

⁵¹ The slaves were free four months after the bill became law.

⁵² According to the Spanish Abolition Society, "the insurrection in Cuba has produced the dispersion or death of two thirds of the slaves of the Central and Eastern Departments of the island, who in 1862 amounted to nearly 180,000 persons."

forms promised might be introduced into that part of the island where there are no insurgents. I had once before thrown out this idea, but he had not apparently noticed it, and I desired to let it not appear as my proposal." At once Fish urged a logical further step. Spain had built a *trocha* of forts and entrenchments to cut off the eastern end of the island; let her now extend the Puerto Rican reforms to the broad regions lying west of this line. This would remove the temptation to slaves to engage in the revolt, and make it unprofitable for slaveholders to prolong it. On January 2, 1873, Fish asked Thornton to have Great Britain exert her influence in Madrid for this measure; and he tried to enlist Italian influence with King Amadeus.⁵³ But all this effort came to precisely nothing. The Spanish Ministry might carry reforms in little Puerto Rico; it could not carry them in Cuba.

IV

Thus the familiar *impasse* reasserted itself, with more irritating accompaniments than ever. Not only were American-owned estates still embargoed; the authorities were actually about to lease some of them and impound the proceeds. American shipping interests were in arms against outrageous exactions by Cuban port authorities. All fall the *Herald*, *Tribune*, and *Sun* had grumbled over the inaction of the State Department; Thornton wrote home that a concerted campaign was under way to prevent Grant from retaining Fish in the Second Administration. On December 23 Fish told Polo⁵⁴ that unless American rights in Cuba were better respected, "it will be impossible to keep the matter out of Congress, and probably impossible to abstain from executive action." The Colombian Government was addressing circulars to all the republics of Latin-America, proposing union under the leadership of the United States to urge measures leading to Cuban emancipation and independence. This got into the newspapers. Senator Frank P. Blair had already introduced a troublesome resolution in the Senate, and Chairman Banks was soon to bring one forward in the House.

To protect himself, on January 9, 1873, Fish made public his recent correspondence with Sickles, including No. 270.⁵⁵ This threatening note produced a deep impression. "One of the most unrelentingly truthful and candid documents recorded in diplomatic annals," said the

⁵³ Diary, January 2, 1873.

⁵⁴ Diary, December 18, 23, 1872.

⁵⁵ See N. Y. *Tribune* for hostile, *World* for friendly treatment, January 10-14, 1873.

Tribune, praising "the blade of fact very scantily wreathed in garments of courtesy." Editors agreed that Fish had delivered a terrible arraignment and challenge. If severe notes could produce any effect, his pen had served the nation well. Polo, grieved and apprehensive, received a frank explanation from Fish. I say, writes the Secretary,⁵⁶ "that the publication of the letters which were sent in with the message was necessary to satisfy Congress that the Administration had the matter in hand; that the danger had been and is of the question becoming one of Congressional debate, which would give occasion for the utterance of many harsh things and would agitate the public mind; that the publication had thus far had the effect of preventing any debate in Congress; that the effort of the opposition press (the *Tribune*, *Herald*, etc.) was to agitate the question; that any contradiction of what they have uttered would lead to further assertions. . . ." Again he had acted shrewdly.

But upon liberal circles in Spain the publication of No. 270 fell like a bombshell. It exposed the Zorrilla Ministry, the best since the revolution, to a terrific new storm. For months it had been assailed by a furious coalition of reactionaries. Now Fish, however unwillingly, had supplied them with fresh weapons. They could assert that the reforms they fought had been dictated in Washington, in such language as no Spanish Government had ever before tolerated. Zorrilla had protested on December 30 that foreign intervention could never be suffered in the affairs of the colonies. Striving to save himself, he now denied that he had ever received any such humiliating representations as those contained in the note of October 29.⁵⁷ Martos echoed his denials. As Sickles hastily explained to Fish, these statements were half-true; not until recently had he shown the full text of No. 270 to Martos.⁵⁸ But such disclaimers did the Zorrilla Ministry little good in Spain, and increased the hostility in America. At Fish's earnest request, Admiral Polo telegraphed Madrid asking it to avoid any more denials or controversial statements whatever.⁵⁹

By February 1, 1873, the situation presented the unhappiest mess imaginable. Neither Spain nor Cuba had a government which could be held fully responsible, or counted upon to maintain any policy a month in advance. In both lands revolution was seething. In both, resent-

⁵⁶ Diary.

⁵⁸ Sickles to Fish, January 22, 1873; Sickles Papers.

⁵⁷ *Nation*, January 16, 1873.

⁵⁹ Diary, January 23, 1873.

ment against the United States had reached a fiery pitch. American feeling, indignant and disillusioned, was fast hardening into a determination to intervene, liberate Cuba, and restore peace. Grant was expected to take a firm stand in his inaugural address of March 4. Sickles, indeed, served notice upon Madrid that he would do so. As February opened Polo was alarmed to hear that the Cuban agent Macias was in Washington buttonholing members. On the 3rd he hurried to Fish's house before breakfast. He reported that a surprise move was under way—Macias was boasting that before night one of the houses of Congress would pass a resolution recognizing either the belligerency or independence of Cuba. Fish dismissed him impatiently. Nevertheless, he called his carriage, picked up Bancroft Davis, and hurried to the White House. Grant, who intended going to the Capitol that day, assured him that he would ask influential members to block any sudden move.⁶⁰ That afternoon Banks reported a resolution asking the President to sound European governments upon joint measures to protect non-combatants in Cuba, enforce the rules of civilized warfare, hasten emancipation, and bring about peace. The House quietly referred it to the Foreign Affairs Committee. But the episode had been ominous.

V

Yet Providence was always with Fish in preventing a Spanish war. At this critical moment occurred an event which instantly revolutionized American feeling toward Spain—the erection of a republic. For months Amadeus' reign had been visibly closing. This able, conscientious son of Victor Emmanuel II held an impossible position. What Spain temporarily needed was an iron dictatorship, not the constitutional rule of a well-meaning foreigner. A quarrel of the Zorrilla Ministry with the officers of artillery, the most powerful caste in the army, gave the signal for the overturn. Early in February Polo was manifestly plunged in gloom. He shook his head sadly, and spoke to Fish of a coming "catastrophe" at home. February 13 brought definite news. That night a reception was held at the White House. Amid music, flowers, and brilliant lights, Polo pushed his way between uniformed men and beautifully-gowned women, bowed to Fish, and handed him a telegram. In Madrid all was over. Amadeus had resigned the crown and fled to Portugal; the two chambers had constituted themselves a

⁶⁰ Diary, February 3, 1873.

National Assembly; and by an overwhelming vote it had proclaimed a republic.⁶¹

Though Fish did not know it, Sickles had played a leading rôle in the revolution. He had incessantly advised the republican leaders. Taking a hand in the artillery question, he had urged his friends in the Cabinet to maintain their defiance of this aristocratic corps. He was also privy to the premature attempt to resolve the Cortes into a National Convention on January 31, and to the vote in the Cortes on February 9 which led to Amadeus' abdication. On learning of this vote he ostentatiously drove to congratulate the President of the Council. Layard wrote in shocked terms to Lord Granville: ⁶² "He was, no doubt, already acquainted with the plot that had been prepared, and was so sure of its successful result that he could not abstain from showing his hostility to the King and the monarchy by abstaining on a frivolous excuse from taking part with his colleagues in the ceremony of the baptism of the infant prince and at the royal banquet. It is unnecessary for me to mention other instances of his studied disrespect for the King."

Warned by Sickles that the overturn was imminent, Fish had cabled him to recognize the republican Government whenever it was "fully established and in possession of the power of the nation."⁶³ The wires soon hummed with the unprecedented honors paid Sickles. On February 15 he let it be known that he would visit the "President of the Executive Power," Sr. Figueras, to announce American recognition. Madrid was all pomp and jubilee. Officials of the republic hurried off with carriages to bring Sickles. A regiment drawn up before the Presidency presented arms. Bands played the Star-Spangled Banner and the Marseillaise. Officers resplendent in gold lace awaited Sickles at the foot of the staircase. The President, surrounded by Cabinet members, greeted him at the top. Sickles and Figueras exchanged declamations upon liberty, democracy, fraternity, the new era, and the bonds of union between their sister republics. According to the Spanish press (though no such statement appears in his published address), Sickles declared: "From this day the filibustering policy has ended in America, and the United States have determined to coöperate as far as it depends upon them in bringing the insurrection in Cuba to an end." He then

⁶¹ Diary, February 13, 1873.

⁶² Layard to Granville, February 16, 1873; PRO, FO 115, 550.

⁶³ State Department MSS, Diplomatic Drafts, Spain, 1873.

paid an equally ceremonious call upon Martos, now president of the National Assembly.⁶⁴

Later that day the National Assembly heard with excitement the news of American recognition. The speeches by Sickles and Figueras were read amid salvos of applause. Martos and Castelar delivered congratulatory orations. The former declared that he and Sickles had talked confidentially upon Cuba. "And without any indiscretion I can say that, now more than ever, we may consider as dissipated those shadows, those apprehensions that patriots may have felt as to the integrity of our territory; which if always protected by the valor and resolution of Spain, is now safer than ever by reason of the new-born affection of a nation which until today might have formed views hostile to our sovereignty." If Sickles authorized any such statement, he had taken a good deal upon himself. Fish had instructed him on the 13th: "You will not fail to urge upon a government already committed to the principles and the expediency of emancipation and of political reforms the immediate enforcement of practical and efficient reforms and the abolition of slavery in the colonies. The present seems to be the moment when the government can accomplish great results. Endeavor to have the decrees self-acting and not dependent upon further regulations. . . ." ⁶⁵ But Sickles was always ready to take a great deal upon himself!

To most Americans "republic" was a word more blest than Mesopotamia. Well-informed European observers felt certain that the new government would prove feeble. Castelar was a rhetorical idealist; he and half of the Cortes believed that the mere Hugoesque declamation of such words as "republicanism," "brotherhood," and "justice" would usher in a golden age. Actually Spain faced some of her most tragic years. Until the first days of 1874, when Castelar went back to his modest bachelor flat and his lectures as professor of history in the University of Madrid, the republic waged a desperate war against disintegrating elements—Bourbons, Carlists, adherents of a military dictatorship under Serrano, and others.⁶⁶ Anarchy overspread much of the peninsula; the credit of Spain sank lower than that of any other great nation. In Cuba, left largely to itself, the reactionary forces became stronger than ever. But a host of Americans were loath to think

⁶⁴ Layard to Granville, *ut supra*, with enclosures.

⁶⁵ State Department MSS, Diplomatic Drafts, Spain, 1873.

⁶⁶ See the excellent pages in Hannay, *Castelar*, Ch. VI.

that a republic would not solve all of Spain's problems.

Congress hastened on March 1-2 to pass resolutions congratulating the Spanish people. The press teemed with cordial articles. President Grant, to Polo's gratification, made no reference to Cuba in his inaugural address of March 4, 1873. Sickles in a moment of exuberance had suggested to Fish that the United States might now guarantee to Spain the cost of emancipating the Cuban slaves,⁶⁷ and the Cabinet of course scoffed at the idea.⁶⁸ Nevertheless, the Cabinet discussions were exceedingly friendly to Madrid. The measure of this friendliness is afforded by one striking incident. Certain European Powers were distinctly hostile to the new Spanish republic. In March, Sickles reported that Castelar had spoken to him of a possible revolution in Lisbon, and had expressed fear that if it broke out Great Britain, long Portugal's protector, would intervene in Peninsular affairs. What course would the United States take if Europe tried to crush the Spanish and Portuguese republics? Grant seemed to think that the United States might well object. He told the Cabinet that considering the importance of Spain's possessions in the New World, and the interest of the United States in seeing Cuba and Puerto Rico under republican government, he might deem it his duty to protest against any attempt to deprive these islands of political institutions which harmonized with those of American nations.⁶⁹

Even the ever-cautious Fish was pleased by the first fruits of the new régime. Castelar gave Sickles assurances of prompt action upon all issues between the two nations. An early decree liberated about ten thousand Cuban Negroes illegally held in slavery—"emancipadoes" brought from Africa in violation of the law. All this bore a hopeful look.⁷⁰ When the Colombian Minister called to present again his scheme for a grand Pan-American combination to bring pressure upon Spain, Fish rebuked him. "I replied," he writes in his diary, "that some of the most earnest and intelligent republicans of the present age had inaugurated the revolution in Spain, and were now endeavoring to establish permanently a republican government; that . . . the future of a republican government in Spain and its dependencies was hang-

⁶⁷ Sickles to Fish, January 22, 1873; Fish Papers.

⁶⁸ Diary, February 14, 1873.

⁶⁹ Sickles to Fish, March 17, 1873; Fish Papers.

⁷⁰ Sickles' dispatch No. 387, February 12, 1873, describes the Spanish anxiety for American support; No. 390, February 15, describes his official reception. *Foreign Affairs*, 1873, II, 889-891.

ing upon this issue, involving not only the question of a republic for 1,500,000 in Cuba, but for 14,000,000 in Spain. It behooves those who were considering this question to think of the effect of pressing Spain in her present emergency with questions such as he contemplated."

But from the forgotten Cuban insurgents came a cry of anguish. Deep in the mountainous jungles of Oriente, poor Cespedes learned that the American Government was striking hands with the new leaders in Madrid. Pacing the hut that represented Cuba's capital, he dictated an eloquent letter to Grant which—dated March 22, 1873, in the District of Bayamo—is still in Fish's papers. Once more he pleaded for intervention. He declared that the new régime in Madrid was as intent as the old upon exterminating the Cuban patriots and riveting its fetters upon the slaves of the Antilles. "In the name of humanity, of respect for republican principles, of civilization," he adjured the United States to halt the war still raging in Cuba.

VI

The short special session which followed Grant's second inauguration ended. A quiet spring descended upon Washington. The opposition press, forgetting foreign affairs, centred its attention upon corruption and the Southern question. Looking back upon his four and a half years of struggle with the Cuban problem, Fish could but marvel at the way in which fortune—aided by his own resourcefulness—had repeatedly averted imminent war. In the autumn of 1869 the sudden preoccupation of Grant with the Dominican situation and the death of Rawlins had saved the situation. In the early summer of 1870 it had been saved by the special message to Congress which he had forced upon Grant. Now in the spring of 1873 an equally dangerous crisis had been dispelled by the sudden creation of a republic in Spain. The lessening of tension came none too soon; for within six months the *Virginus* affair was to bring Americans to such a pitch of righteous anger as they had not felt since the bombardment of Fort Sumter.

THE representative of a sterner, simpler American age, Hamilton Fish at times took a just pride in his old-fashioned conceptions of integrity and morality. "No, I did not receive any Credit Mobilier," he wrote John C. Hamilton on January 28, 1873. "So much for what some people regard as . . . being an old fogey, which, with many, in these days of bargaining and of the domination of the Almighty Dollar, signifies the retention of some old-fashioned notions of common honesty. But what a development is being made! Sad! sad! sad!"

During his first four years in office, Fish had been incessantly harried by foreign problems. During his last four years, he had wider opportunity to observe events in Washington, and to concern himself with other departments of the Administration. In foreign relations he was destined to perform one more great service: to save the United States from war with Spain when at last American blood was shed with unforgivable barbarity. But his principal interests and activities now swung slowly from external to domestic affairs. His diary and letters show him a more and more anxious observer; they reveal him as trying more and more earnestly to save Grant from his worst impulses and advisers. His official career may roughly be divided into three parts: One year in which he wrested full control of the State Department from Grant; four years in which he used that control to preserve peace with Great Britain and Spain, and to accomplish other important tasks; and three years in which he reached out for a larger measure of authority in an Administration that was increasingly disgraced and demoralized. As he comprehended the forces that surrounded Grant, all thought of resignation vanished from his mind.

The festering corruptions of the post-war period sprang up in every part of America and in almost every department of national life. Other loose and scandalous times—in Buchanan's day, in Hanna's, in Harding's—have been repellent enough; but the Grant era stands unique in the comprehensiveness of its rascality. The cities, half of which had their counterparts of Tweed; the legislatures, with their rings, lobbyists, and bribe-takers; the South, prey of unscrupulous Carpetbaggers and Scalawags; the West, sacked by railway and mining corporations;

Congress, with its Credit Mobilier, its salary-grab, its tools of predatory business; the executive departments, honeycombed with thievery; private finance and trade, with greedy figures like Jay Cooke and Collis P. Huntington honored and typical—everywhere the scene was the same. Why? Beyond doubt the reasons for this pervasive malady were numerous, deep-rooted, and complex, and we can list but a few. The war explained much: its terrible strain upon all ten commandments; the moral exhaustion which it produced; the waste and jobbery which it bred; its creation of vast new Federal responsibilities. Washington became an irresistible lodestone for crooked men. The fecund war contracts, the tariffs, subsidies, and bounties, the huge appropriations for speculators and claim-agents, the opportunities for theft in both collecting and spending the swollen Federal revenues, drew them as honey draws flies.¹ Moreover, the sixties were the decade of the most violent turmoil in American history. The South was ruined, and the fine principles and traditions of its aristocracy were engulfed. The industrial revolution in the North brought the roughest, most aggressive business elements to the front. As the West was settled with amazing rapidity, a more extensive and influential frontier than ever before gave manners a cruder cast. Cities were filling up with immigrant communities, subservient to machine politicians. Everywhere tested standards, restraints of public opinion, the cake of custom, were broken down.² Conditions of the day produced a new and flashier political leadership. They brought demagogues and pushing brigadiers into office; generals like Ben Butler and "Black Jack" Logan, vote-getters like Oliver P. Morton and Zach Chandler, speculators like Oakes Ames.³ The contrast between such men and the austere, scholarly, conscientious Hamilton Fish was the contrast between two eras of national life.

But one fact must be emphasized. Contemporaneous with this corruption, geared to it as a motor is geared to the conglomerate machinery of a factory, was the tremendous industrial boom which followed the war. For eight years Northern business rollicked amid a flush prosperity. With money easy, with fortunes rising on every hand, with the temptation to speculate irresistible, the whole tendency of American life conduced to greed. We may say of the United States after the upheaval of civil war what John Addington Symonds says of Renaissance

¹ Allan Nevins, *The Emergence of Modern America*, Chs. 1-6.

² Schouler, VII, 209 ff.

³ "The moral law had expired—like the Constitution;" *Education of Henry Adams*, 280.

Italy: "Vehement contention in the sphere of politics, restless speculation, together with the loosening of every tie that bound society together, emancipated personality and substituted the freedom of self-centred vigor and virility for the prescriptions of civil or religious order." But the boom gave this age of license its special money-getting tendency. The panic of 1873 fell as a chilling blight on corruption as on business. The worst scandals were not exposed until after this date. But almost all of them took root in the flush years of business expansion.⁴

This connection between the riotous boom, 1868-73, and the manifold corruption is easily demonstrated. The "Erie War" of Gould and Fisk against Vanderbilt was fought out in 1867-68. Oakes Ames began his Credit Mobilier bribery in the first weeks of 1868. In 1869 the Tweed Ring thefts became most brazen and unrestrained. In the spring of 1868 Speaker Blaine made his famous ruling in favor of the Little Rock & Fort Smith Railroad, and that summer asked his first favors of two Little Rock officers. During 1870 the Whiskey Ring took definite form in St. Louis. In the fall of 1870 Secretary Belknap's wife accepted the first corrupt payments in connection with an Indian post-tradership. In 1870 also the Freedman's Bank charter in Washington was amended by Congress, and the theft of its assets began. The year 1871-72 witnessed the Leet & Stocking exactions in New York, and toward the close of 1872 Minister Schenck was drawn into the toils of the Emma Mine promoters. The summer of 1872 produced that ludicrous knavery, the Southwestern diamond-field swindle which Clarence King so neatly exposed.⁵ The looting of Eastern savings banks and insurance companies was then almost completed. In brief, the years 1868-73 were the years in which corruption kept pace with the upward curve of the business cycle; in which the lax morals of the financial world were transferred to the political world. After the panic of 1873, virtue reasserted itself in the chilly air of the depression. It is an illusion to think of 1875-76 as the scandalous years. They were merely the years in which the great scandals of the earlier period were dragged to light.

The word epidemic, applied to this frolic of corruption, is singularly

⁴ Oberholtzer, *United States*, Vol. I, gives the fullest account of this boom.

⁵ For this swindle, see John Hays Hammond, *Autobiography*, I, 170.

accurate. As Fish's just-quoted words imply, a contagion filled the air. "The continent spills riches for everybody; everybody is grabbing his share; I must get mine"—so men argued. Why be over-scrupulous in making money when it was so plentiful? Why should politics be more honest than business, or business than politics, or Tom than Dick and Harry? Everybody was prosperous (poor farmers and laborers did not count); everybody was easy-going; everybody agreed that it was a duty to "develop the country." The nation as a whole was to blame, not merely the Grant Administration; and the nation was behaving just as in other boom periods—before 1837, 1907, 1929—and as it will behave again.⁶ Through it all, it had a few such Roman figures as Hamilton Fish to remind it of a more disciplined past; but they were ignored.

President Grant is chargeable with a heavy responsibility for some scandals of the day; just how heavy Fish soon saw, and subsequent pages based upon his diary and letters will show. Honest as to money himself, he was the source of more dishonesty than any other American President. His responsiveness to such great moneyed interests as Jay Cooke represented was a national calamity.⁷ But when we look at the scandals, his responsibility was for the most part general, not specific; indirect, not direct. At some points he cannot be defended. The rôle he played in crippling both the Whiskey Ring prosecutions and the impeachment of Belknap offers the darkest single page in the history of the Presidency. For this and for his arbitrary acts in the South, he was far more worthy of impeachment than Andrew Johnson. But with most scandals of the time he obviously had nothing to do. The Credit Mobilier affair can as little be laid at his door as the Tweed Ring thefts. Unfortunate as his selection of Belknap as Secretary of War proved, it had been recommended by General Sherman and praised by Middle Western Senators. (His chief errors were of omission, not commission;) he was more blameworthy for the general laxity, the want of vigilance and high purpose, which characterized his Administration, than for wrongful acts. The American people always derives much of its tone from its President. It is strenuous under a Theodore Roosevelt, idealistic under a Wilson, slothful under a Coolidge. Lowell was correct in these

⁶ A neglected novel published soon afterward, *The Money-Makers*, (an answer to John Hay's *The Bread-Winners*), offers a vivid picture of this competition in laxity.

⁷ V. L. Parrington, *Main Currents in American Thought*, III, 27 ff.

years in writing, "A strong nation begets strong citizens, and a weak one weak."⁸ Fish perceived clearly enough that Grant's casual way of performing his duties; his easy acceptance of vicious personal influences; his negligence and favoritism in appointments; his careless inconsequentiality in handling Cabinet affairs; his detestation of reform because reformers were critics—all this, taken together, constituted the heaviest count against him. He was upright according to his lights. But the lights were murky, and the tone of his Administration delighted knaves and discouraged honest men.⁹

I

Fish's eyes were opened to the evils of the day even before the Credit Mobilier inquiry, and before grave charges were levelled in 1872 against Robeson's and Creswell's handling of naval and post-office funds.¹⁰ He was deeply pained by three scandals connected with the foreign service—the Webb scandal, the Van Buren scandal, and the Schenck scandal. For none did he have any responsibility, but all injured the United States abroad. The first had a particularly nasty look. James Watson Webb, the mercurial, quarrelsome Captain Bobadil who had edited the *Courier and Enquirer* between duels and street-affrays, had been made Minister to Brazil—1861–69—by Seward. Everybody knew that he lacked discretion; in 1872 charges of corruption were levelled against him as well.¹¹

When Webb reached Rio de Janeiro, he had found among the unsettled business of his legation the so-called *Caroline* claim. The *Caroline* was a Peruvian ship condemned in 1842 in a Brazilian seaport as unseaworthy, and sold, the heaviest loss falling upon American insurers.

⁸ James Russell Lowell, *Writings* (Riverside Edition), V, 281.

⁹ So stern a member of Congress as Justin Smith Morrill, says his biographer, wished to hurry over the Credit Mobilier, Whiskey Ring, and other scandals; "he had no taste for muck-raking, and his love of the Republican Party would have led him to ignore them if he could." W. B. Parker, *Life and Public Services of Justin Smith Morrill*, 244.

¹⁰ For these charges see Oberholtzer, *United States*, II, 70, 71. Those against Robeson were the more serious; House Misc. Docs., 42d Cong., 2d Sess., No. 201. The Secors, a firm of naval contractors, had built three monitors during the Civil War for an agreed price of \$1,380,000, but complained that owing to the rise in costs they had lost money. Congress directed an inquiry by a board of officers, and on its recommendation appropriated \$115,000 additional to the Secors "in full discharge of all claims." Robeson was hardly settled in office before he ordered a reinvestigation. On the report of officers in his department he paid the Secors in 1870 \$93,000 more. This may not have been corrupt, but it was certainly a flat violation of law.

¹¹ Webb published a pamphlet, *The Case of General J. Watson Webb vs. Hamilton Fish and E. R. Hoar*, which I have found far from convincing.

They had brought suit against the captain for fraudulent and bartrous conduct, and finally obtained a judicial order in Brazil nullifying the former judgment. But it turned out that neither the vessel nor pecuniary damages could be recovered. The underwriters about 1854 assigned their claim to Lemuel Wells, former American consul at St. Catherine's, Brazil, who had been dismissed for cause. He presented it as one against the Brazilian Government, urging the State Department to support it on the bizarre ground that the Brazilian court which had condemned the *Caroline* was corrupt, and the Government therefore answerable for the loss. Though the Department gave some attention to the claim, Washington was never really convinced of its validity.¹² Secretary Seward, in fact, was suspicious both of it and Lemuel Wells.

But ultimately Webb plunged ahead in his own bellicose fashion, for he had come to a private agreement with Wells. In 1867, while Brazil was at war with Paraguay, he revived the claim, threatened to break off diplomatic relations, and finally demanded his passports. Brazil being in no position to resist, her government protestingly complied. Webb, reporting this settlement on October 1, 1867, wrote the State Department that he was sending it "a bill on London for £5,000," to be paid over to Wells. The "sum agreed upon" by Webb and the Brazilians was not otherwise stated, and the State Department assumed that the total was only £5,000. But Seward, still suspicious, wrote Webb that the Department would hold the £5,000 in trust until he learned more about the whole affair; and it was invested in United States bonds.¹³

When the Brazilian Government, outraged by this piece of extortion, renewed its protests, Seward had the subject submitted to the counsel for the State Department. He reported the claim invalid. The State Department then submitted the question to the Attorney-General. Not until January 2, 1872, did the latter announce his decision. It was wholly in favor of Brazil. Fish agreed with this decision, and Grant ordered the money repaid to Brazil with interest. But when the Brazilian Minister, Sr. D. J. G. Magalhaens, heard that the sum returnable was £5,000, he threw up his hands. As he immediately proved, Brazil had paid Webb no less than £14,252!

The result was a curious drama. Fish penned a peremptory demand

¹² A large envelope of documents in the Fish Papers treats this subject; see also the speech reviewing it by Rockwood Hoar, *Congressional Globe*, May 16, 1874.

¹³ Seward to Webb, Dec. 7, 1867; State Department MSS, Diplomatic Drafts.

that Webb account for the missing moneys. After much delay, Webb sent back a blustering and defiant reply.¹⁴ In a series of letters, full of threats and swagger, he admitted that he had received £14,252 from Brazil and concealed the fact from Seward; but he refused either to account for the money or to pay it over. His defence was that large payments had been made to Brazilian officials to procure allowance of the claim, but he refused to give names or amounts. In short, he pleaded guilty to bribery while declining to supply evidence to exonerate himself from the charge of theft! What Fish thought of the Minister may be imagined. Webb quoted an expression from one of Seward's dispatches (December 7, 1867) as evidence that Seward approved of the bribery: "You have shown much energy and sagacity in the adjustment of the claim." But Fish pointed out that Seward had expressly instructed Webb to do nothing to weaken the moral or legal right of the government to intervene in behalf of the claim.¹⁵ No Secretary of State in our history but would have scorned bribery to obtain money from an impoverished sister-republic, and Webb knew it. Fish then and later was convinced that Webb had pocketed most of the missing money. So were leading newspapers, whose comments were stinging.¹⁶

The Administration was determined to have justice done, and Congress, after investigation by a sub-committee of the House Foreign Affairs Committee, voted \$96,406.73 to reimburse Brazil.¹⁷ Rockwood Hoar in a blistering speech to the House on May 16, 1872, reviewed the subject. When the Cabinet discussed the "misappropriation," Grant directed that the case be given to the Department of Justice for prosecution.¹⁸ Webb was in Europe, and Federal officers found that he had left no attachable property. The Cabinet discussed the possibility of having him extradited, but decided against so rigorous a course—particularly as his son announced that he was coming home to confute his enemies.¹⁹ Meanwhile, the Brazilian Government pronounced Webb's story false and dishonorable, and declared that it held direct evidence of his dishonesty. He had received three drafts in payment of the claims—one for £5,000, one for £3,252, and one for £5,900. He alleged that he had sent the first to Seward, and paid the other two to certain Bra-

¹⁴ Fish to Webb, June 20, 1872; Webb to Fish, July 20, 1872; Fish Papers.

¹⁵ Fish to Webb, September 3, 1872; Fish Papers.

¹⁶ "The defence, so far as it can be judged from this instalment of it, is certainly no defence at all"; *Nation*, July 2, 1874.

¹⁷ *Congressional Globe*.

¹⁸ Diary, August 6, 1873.

¹⁹ Diary, October 31, 1873.

zilians by order of Lemuel Wells. But the government furnished evidence that he had remitted the £5,900 to Baring Brothers, his London bankers, for deposit in his private account.²⁰ Webb then explained that Barings had used the £5,900 to buy United States bonds which he handed to the Brazilians! Both Fish and the Federal Attorneys, after inquiry, were satisfied that Webb had kept the bonds—which could not be traced—for himself.

Fish regarded the case as perfectly clear. When Webb accused Rockwood Hoar of falsehood and slander, the Secretary wrote that he evidently did not realize that every paper connected with the *Caroline* claim had been in the possession of the Foreign Affairs Committee for weeks before its action, and that House members had seen a copy of the draft for £5,900 which he remitted to London with his own endorsement on it. "This reticence of Mr. Webb's as to what became of the money may be evidence of the 'sagacity' of which he speaks so frequently; *if it be*, it is of that kind of 'sagacity' familiar to the police and to prosecutors of felons." Webb had said that the Secretary charged him with embezzlement. This was untrue, replied Fish; he was in doubt whether the proper term was theft, embezzlement, or breach of trust. Whatever the term, "the affair of the *Caroline* is not the only instance of abuse of his position as the Representative of his government by being pecuniarily interested in claims which he endeavored to enforce against Brazil. It is known that he had a pecuniary interest in the claim for the ship *Canada*."²¹

Unhappily, Webb proved out of reach of American law. He retained William M. Evarts.²² Suit was brought in the Federal District Court to recover the money. After long delay, an order was obtained for his examination before a referee. He confessed to the sums he had received, but still maintained that, in accordance with Wells's instructions, he had used all but £5,000 in bribery. To be sure, £5,900 had gone into his

²⁰ Sr. Borges to Fish, Diary, December 2, 1874. The feeling of Brazilians may be gathered from Fish's conversation with Sr. Borges on this date: "He says his Government is very indignant at suggestions and imputations made by Webb of payment of money to procure the allowance of the claim, and that they inform him that the draft which Webb negotiated in Rio and which bore the endorsement of the money having been received there, was in point of fact exchanged by Webb for a draft at short sight on London which he remitted to, and deposited directly with his private bankers, Messrs. Baring Brothers & Co. . . . He mentions several things as stated by Webb, which he denounces as untrue and impossible, and promises to procure confidentially a memorandum of facts and dates which will expose the falsehood of those statements in Webb's letters."

²¹ Fish to Hoar, Washington, June 22, 1874; Letterbooks.

²² Evarts to Fish, November 8, 1874; Diary, November 10, 1874.

private account—but he waved that detail aside. To be sure, the bribery itself was dishonorable and unauthorized—but he replied that it violated no American law. It was useless to ask him to name a single Brazilian to corroborate his story—he simply stuck to it, with many explosions, oburgations, and denunciations of his enemies.²³

District Attorney Bliss finally asked Judge Blatchford to *compel* Webb to name the Brazilians involved; but Blatchford ruled that he need not disclose the identity of the Brazilians, for it was irrelevant to the issue whether he owed money to the United States.²⁴ In one sense it might have been irrelevant. In another it was not, for unless his tale were thus brought to the touchstone there existed no means of proving it false. He left the courtroom legally innocent. But unkind men still believed that he had split the money in three parts: £5,000 going to the United States for Wells, £3,252 to various Brazilians, and £5,900 to himself. Brazil had her money back; the United States had a bill for reimbursing her; and Webb had his Baring bank-account—and what was left of his reputation.²⁵

Meanwhile, the sorry story of General T. B. Van Buren was being disclosed. The Austro-Hungarian Government had invited the United States to participate in an international fair in Vienna in 1873, and Congress in June, 1872, authorized the President to send one or more representatives.²⁶ Grant characteristically selected Van Buren, a strutting, windy New York politician who had no acquaintance whatever with American art, science, industry, or letters. Van Buren hastened in turn to nominate unfit associates, the chief being another politician named William Mayer. Very belatedly, on February 14, 1873, Congress appropriated \$200,000, stipulating that no one should receive more than \$5,000 for salary and expenses. At first all went well. The Viennese authorities set aside a commodious "American Transept" in the Palace of Industry. Minister Jay took great interest in filling it; ²⁷ and encouraged by our government, some 700 American manufacturers, mining companies, and civic bodies prepared exhibits, which in March, 1873, were sent by U. S. S. *Guard* to Trieste. Van Buren shortly fol-

²³ For matter on the Webb suit, see *N. Y. Tribune*, December 20, 1875.

²⁴ *N. Y. Tribune*, February 7, 1876.

²⁵ The government was unable to find Wells, whom the Brazilian Minister thought dead. Webb might easily have given the names of bribed Brazilians, with sums and corroboratory letters, to the court or State Department *in confidence*. He never offered to do so.

²⁶ Act of June 10, 1872; *Congressional Globe*.

²⁷ Jay to Fish, November 11, 1872; No. 489.

lowed on a steamer to England.²⁸

Nobody had supposed that our participation in a European exposition could give rise to scandal. But it shortly appeared that Van Buren was preposterously incompetent, that Mayer was a knave, and that Minister Jay was a jealous, loose-tongued busybody. When Van Buren left Washington he had given Fish a bond for the proper disbursement of the appropriation. It was so defective that Fish sent it after him to be executed in due form, meanwhile granting Jay control over the money. Jay and Van Buren promptly quarrelled,²⁹ and Jay soon cabled that he had discovered corrupt practices—that William Mayer had sold a restaurant concession to an American for a large sum. Other excited cablegrams followed. Jay, who was disposed to wash all the dirty linen in public, recommended a special investigating commission. Fish in great distress suspended Mayer by cable, and at once empowered Jay and another New Yorker in Vienna, Thomas McElrath, to make an inquiry. "You will inform General Van Buren," he wrote Jay, "that your approval will be necessary to all liabilities hereafter incurred."³⁰

The episode thereupon became a sensation. On April 21 the New York *Herald* published a Vienna dispatch alleging that places on the American Commission had been sold; one man had paid \$6,000 for his appointment, and others lesser sums. Fish cabled Jay the same day: "You and McElrath must investigate this thoroughly. Ascertain who are the persons alluded to. See the reporter and get all the information you can. . . . The Commission must be free from taint. Your action in suspending any suspected party will be sustained no matter what may be his position. The honor of the country requires thorough examination, and decided action. Report fully." Three days later he suspended Van Buren's entire Commission, fifteen in all, and named a new Commission in their stead. This body included Theodore Roosevelt, Sr., Jackson S. Schultz, and James Renwick, names far different from any in the original list. Meanwhile, Jay and McElrath were taking testimony, and the European press was rolling the sweet morsel under its tongue.

Fish's ruling emotion was anger against Van Buren and Mayer in causing the scandal; Grant's ruling emotion was anger against Jay in noisily exposing it. Van Buren's political friends immediately descended

²⁸ London *Times*, March 18, 1872.

²⁹ April 8 *et seq.*; Fish Papers.

³⁰ Cablegram, March 26, 1873; dispatches March 26, April 9, 11, 1873; State Department MSS, Diplomatic Drafts, Austria-Hungary.

upon the President at Long Branch. They assured him that the charges were false, and had arisen from jealousy; that Jay and McElrath were holding their hearings in secret, and stacking the cards against Van Buren. Grant listened readily, for he liked Van Buren and disliked Jay, and knew that he was blameworthy for appointing the former. He wrote Fish³¹ that "it seems to me they have much justly to complain of. . . . I confess to a prejudice against McElrath and an entire want of confidence in the judgment and discretion of Mr. Jay. I do not believe that our country would have been so scandalized before the world nor would have got into such a complication, if Mr. Jay's place had been filled by a man of tact and discretion."

But the investigation remained under Fish's control, and was carried forward vigorously. He was supported by the best newspapers. "I see," John Murray Forbes wrote him,³² "that the friends of the killed and wounded at Vienna are making all the clamor they can through the press against your action. Let me say, however, that all the sound men I see are entirely with you, and highly applaud the telegraphic promptness with which you repudiated the doings of the speculators who had crept into the Commission." Jay celebrated the Fourth of July, 1873, by bringing the long-drawn inquiry to a close. The State Department had meanwhile published letters from Van Buren which, with sweeping denials, ascribed all the troubles to Jay's "accursed malignity, unhalloved vanity, and ambition."³³ He had acted with more haste and clamor than were necessary, but the full testimony spoke for itself in conclusive fashion.³⁴

As Jay and McElrath reported, both Van Buren and Mayer had accepted money for certain restaurant concessions—an "American Indian Wigwam," an "American Pavillion," and an "American Bar," all specializing in mixed drinks. Europe was eager to taste American cocktails, flips, juleps, and cobbler. Mayer had taken most of the money, part of it paid as a "loan" or "tax" without receipts, and part as "schoolhouse donations." The Special Commissioners characterized him as a thief in the plainest language. They were gentler with Van Buren, but left no doubt of his incompetence. He had left too much of the management to his subordinates, and permitted "a looseness in contracts, in instructions, and in accounts, calculated to ensure the ruin of any private

³¹ Grant to Fish, Long Branch, June 28, 1873; Fish Papers.

³² Forbes to Fish, Boston, April 30, 1873; Fish Papers.

³³ *Nation*, May 22, 1873.

³⁴ MS Report, Special Commissioners of the Vienna Exposition; Fish Papers.

business, and which in a great national trust . . . was to the last degree discreditable.”³⁵ Fish summed up the whole episode with his usual shrewd judgment: ³⁶

The Vienna business is nasty; there has been dirty work and much lying. Van Buren has no capacity for the organization of such an affair and fell into the hands of others who were rogues; and, while perhaps not intending wrong, admits having received money, which he attempts to justify, and then denies plumply and positively that he took anything. He is an impulsive, dash-ahead creature, full of self-esteem and gas, but not naturally vicious or corrupt—bad-tempered, possibly. He foolishly undertook to justify and defend his subordinates, who had had the cunning to entrap him, and held him in their power, and who have since denounced him. Jay might, I think, have used a little more forbearance, and have prevented the publicity which he forces upon us, and which damages us before the world.

The episode was soon forgotten, but it showed how easily the appointment of a weak man to even a minor post might besmirch the name of the republic.³⁷

II

Meanwhile, a third scandal was threatening, and this time one which Fish unfortunately did not treat so vigorously. It involved Robert C. Schenck, Minister to Great Britain. For no member of the diplomatic service did Grant feel a warmer personal liking. A fellow-Ohioan, an old companion in arms, he was a bluff, hearty, practical man, full of good sense, and devoted to the Administration. This liking Fish shared. Schenck had been sent to England at a time when no difficult tasks were likely to fall upon him; but he discharged his duties loyally, tactfully, and ably. He obeyed instructions, kept on good terms with Granville, and sent back letters full of shrewd insight. There is ample evidence in the Foreign Office papers that the British Government respected his abilities; he was a firm and dexterous defender of American rights and policies. It was a calamity when he laid himself open to attack.

Schenck had reached his legation in June, 1871. In November, Fish's

³⁵ The *London Times*, August 29, 1873, gives an English view of the matter.

³⁶ Fish to Schenck, June 15, 1873; Letterbooks.

³⁷ It was generally understood thereafter that Jay would not remain long in Vienna. His course in other diplomatic matters was displeasing. For example, he kept pushing a plan for an international patent convention in Vienna although the United States, Britain, and Austria-Hungary herself resisted it. "Cannot something be invented to drive the notion out of his head?" Fish finally demanded; "It seems to me that he has committed as great a diplomatic blunder in this affair as his ill-judged precipitancy in the Van Buren matter was a blunder of judgment and want of discretion."

cye fell upon an article in the London *Economist* criticising the Minister because his name had been advertised among the directors of the Emma Silver-Mining Company, a corporation selling shares in the Emma Silver Mine of Utah to British investors. The Secretary was disturbed. He read the article to the Cabinet on November 4, 1871, expressing uneasiness.³⁸ As he told his colleagues, no law or departmental regulation prohibited a Minister from being concerned with a business corporation. "But," he added, "it is unfortunate that this advertisement, which shows the Emma Company to be an inchoate and possibly speculative concern, should be published in London. It will be supposed that his name is on it to bolster up a weak concern with the prestige of his official position." Before he could do anything more, Schenck himself acted. The American press had taken up the subject, publishing some sharp criticisms. In a telegram apparently full of bluff honesty,³⁹ Schenck stated that he was "surprised and pained," and added: "Have no pecuniary interest except some shares, for which, after investigating fully, I paid dollar for dollar. Having thus decided and raised means to invest, was solicited by respectable Americans to act with gentlemen of known high character as director, to protect their interests and my own in what I believe very valuable property. Perhaps made mistake. . . . Will withdraw from board or do whatever you advise."

Fish read this telegram to the Cabinet on November 28,⁴⁰ and a reply which, with Grant's approval, he sent next day. After stating that a diplomatic officer might buy shares in any honest enterprise, he delivered a sharp warning and a clearcut if tactful command: ⁴¹

The advertisement of the name of a diplomatic representative of the Government, as a director of a company seeking to dispose of its shares in the country to which he is accredited, is ill-advised and unfortunate, and is calculated to subject him to criticism; but it is assumed that the advertisement of the mining company in the London journal was not your act, but that of the agents of the company without consultation with you.

You are earnestly advised to withdraw your name from the management of the company.

This left Schenck with but two courses; he could resign as director, or he could resign as Minister. Naturally he took the former. But

³⁸ Diary. ³⁹ Schenck to Fish, November 27, 1871; Fish Papers. ⁴⁰ Diary.

⁴¹ November 29, 1871; State Department MSS, Diplomatic Drafts, Great Britain.

though he sent his resignation to the company on December 6, 1871, he gave it no publicity until January 12, 1872, when it appeared in the *London Times*. The delay could be construed as giving insiders time to sell their stock before his withdrawal brought the price down; and the form of his letter was also censurable. "My resignation," wrote Schenck, "is upon grounds purely personal to myself. In consenting to become a director, I know that I but exercised a private and individual right, in no way incompatible with public or official duty; but I prefer to take away from some who have criticized me even a pretext for their comments and attacks. I beg, therefore, to record my assurance to . . . members of the board that I continue to have the fullest confidence in the value and profitableness of the property they have in charge, in which I hold all the shares I have been able to take."⁴² Though Fish had told him that it did not befit a Minister to promote stocks, in resigning he had seized the opportunity for more promoting! Moreover, his statement that the resignation was "upon grounds purely personal to myself" was false. It had been dictated by the Secretary upon public grounds.

But the great point was that he had resigned. Fish was satisfied with this, and did not greatly mind Schenck's use of the face-saving phrase about personal grounds. Doubtless he never knew of the tardiness with which the resignation was published in the *London Times*. He was the more inclined to drop the matter because the storm over the indirect claims began at this moment, and he valued Schenck's ability to help him to deal with it. Moreover, Fish realized how hard Schenck's position was. His salary was but \$17,500 a year; the cost of maintaining a dignified position in London, as various successors testified, was at least \$45,000 a year.

But a revival of the subject proved unescapable. The Emma Mine paid dividends at the rate of 1.5 per cent a month until December, 1872. Investors then learned not only that the treasury was empty, but that the ore had given place to limestone and the mine appeared "played out." Within a short time the stock had dropped from £33 a share to £4. A new storm of criticism arose. An English stockholder addressed a scathing open letter to Schenck, which the American press reprinted.⁴³ Other Britons in the spring of 1873 published figures to show that of the

⁴² This and many other documents in the matter are printed in House Report No. 579, 44th Cong., 1st Sess., report of Abram S. Hewitt's sub-committee on the Emma Mine.

⁴³ *Nation*. June 12, 1873.

£1,000,000 their countrymen had paid for the mine, £840,000 had been lost.⁴⁴ It was evident that the American Minister had signed statements in the original prospectus which were totally untrue. Louis Jennings of the New York *Times* returned from London in the summer of 1873 with disturbing reports which he imparted to Grant at Long Branch. The latter sent an alarmed letter to Fish: ⁴⁵

I think I should see you either the last of this week, or early next, in regard to some unpleasant rumors that have come to me in regard to the position occupied by General Schenck in England. It will be necessary at least to let the General know of them, and get his statement, so that if the attack should come upon him, as I understand it will, we should be in a position to justify his retention. The story in a few words is, that many English capitalists were induced to invest in stock in the Emma Mine because the American Minister headed the list of Directors; that the concern was bogus, and no returns came to the investors except a few dividends from funds they had paid in; that Schenck from being a poor man has become rich, and I am told, asserts that his receipts from these subscriptions was £100,000 sterling.

The next Cabinet meeting, August 5, witnessed a warm discussion of Schenck's unhappy position.⁴⁶ Jennings had told the President that the *Times* would not exploit the charges unless other newspapers did so, but they were now common property. While Secretary Delano defended Schenck, the others were suspicious of him. Grant wished to obtain statements which could be used in defending him when the storm burst. He directed Fish to write a suitable letter, and the Secretary brought a draft to the Cabinet next day. In this Fish detailed the principal allegations, which included the charge that Schenck had profited largely from the sale of Emma Mine stock, and was now living in a style which his mere salary as Minister could not justify. "In directing this communication to be made to you," he concluded, "the President directs me to say that his confidence in your personal rectitude and integrity is not diminished, but that as the information comes from an intelligent person who professes to be actuated by a friendly disposition . . . he deems it an act of justice as well as of friendship and of confidence to communicate to you what is thus reported." ⁴⁷

By this time Fish could no longer doubt that Schenck had been guilty of serious offences. He had read the evidence against the Minister in the New York *Herald*, *Tribune*, and *Nation*. He knew that Schenck's in-

⁴⁴ *Ibid.*, July 17, 1873.

⁴⁶ Diary.

⁴⁵ Grant to Fish, Long Branch, July 23, 1873; Fish Papers.

⁴⁷ The draft is copied in the Diary for August 6, 1873.

come had been unexpectedly augmented. For example, the Minister had written Fish in the fall of 1872: ⁴⁸ "At the time of my acceptance . . . of the President's appointment, I was well aware that I could not support myself and family on the salary allowed, and live as decently and becomingly, with the strictest economy, as was proper in the position, and would be expected of the American representative in London. My expectation in that regard has been fully verified. But I fortunately last year made an investment which added something, and may yet for a while continue to add so much to my personal income, as to enable me to eke out the deficient government allowance. . . ." Fish knew also that Schenck was avid of money. The Minister had asked an extra appropriation of \$2,500 for an amanuensis; as soon as it became available on June 30, 1873, he hastened to draw upon it. "This has been a hard quarter for me financially," he wrote, ⁴⁹ "and so I am reminded of this resource." He lived expensively. He had a handsome house in London; his three daughters were being educated on the Continent; he made extensive pleasure-trips. At the very time the Cabinet was discussing his conduct, he and two daughters were setting out with their carriage, horses, coachman, footmen, and ladies' maid for a tour of southern England and Wales. ⁵⁰

Yet if the letter went, Fish knew what the result would be. Schenck would vigorously assert his innocence. He would say again that he had acted in good faith and in exercise of an indubitable private right; he would demolish the exaggerated portion of the charges. His self-righteous reply would be just what Grant desired. Schenck's defence would be converted into an Administration defence of its Minister, and the State Department would be thrust into an untenable position.

On August 6, Fish read the Cabinet the draft letter; but in doing so, he remarked that when he concluded he would like to raise a question. "That draft is just right," said Grant, when he had finished. "But the question you wish to raise is whether to send any letter at all on the subject." Fish replied: "Precisely that. And I am clearly of the opinion that it is better not to write any letter, or to take any notice of the communication by Jennings. If General Schenck makes a denial, the Administration will be bound to accept his denial and stand by it; if he explains his course, the Administration will be bound to examine the

⁴⁸ Schenck to Fish, November 30, 1872; Fish Papers.

⁴⁹ Schenck to Fish, London, June 26, 1873; Fish Papers.

⁵⁰ Schenck to Fish, London, August 8, 1873; Fish Papers.

matter and become a prosecutor."

"Do not send the letter," said Grant. "I will not become the accuser of General Schenck. If he is accused, we will call upon him and will investigate."⁵¹ And Fish, after copying the draft into his diary, destroyed the original.

It was certain that Schenck would be accused by others, for the outcries of defrauded investors became louder. In the fall of 1873 an Englishman, S. T. Paffard, published a pamphlet history of the Emma Mine in which Schenck was handled without gloves, and the *Nation* thereupon gave four columns of fine print to a searching analysis of its record.⁵² No evidence as yet appeared that Schenck had received an improper reward for the use of his name; it seemed that he had merely been deluded into joining the enterprise. Fish would have shown more wisdom and courage had he taken steps to bring about a severe investigation. But at any rate he had prevented the Administration from being manoeuvred into defending the Minister. The matter was left in abeyance; he still thought Schenck fundamentally honest, and believed that he had learned his lesson.

III

All these scandals in our foreign representation were deplorable. But after all, Schenck was Grant's appointee, not Fish's, and had been chosen after the Secretary had fruitlessly proposed Rockwood Hoar and Andrew D. White. Van Buren was Grant's appointee. James Watson Webb was Seward's. Indeed, not more than half a dozen appointments had been made in the foreign service at Fish's instance—and they were all sound. As a witty observer remarked, Grant applied the "nebulous test" in making nominations to office. The long-suffering Secretary sometimes grew impatient as he tried to work with the tools that were given him in foreign capitals; but he realized that his was only the common lot of all Secretaries since John Quincy Adams.

The worst of Grant's appointments were those to consulships. Though the character of our consuls had been a standing jest for decades, the derision of Congressmen, State Department, and foreigners alike, Grant actually lowered it. In 1873 Fish asked the President, "Do you really wish George S. Fisher of Georgia given a place?" "Yes," ex-

⁵¹ Diary, August 6, 1873.

⁵² "True History of the Emma Mine," *Nation*, December 18, 1873.

claimed Grant, "*I want to get him out of the country.*" "Well," said Fish, "*La Guayra will do.*"⁵³ Too many appointments were made in the spirit of Grant's remark. Moran was horrified by the first consular representatives to pass through London in 1869. The intelligence of many Latin-American consuls was typified by the gentleman who sent the State Department eggs of a particularly destructive termite—and was dismissed for his pains.⁵⁴ When the consul at Demerara presented Bancroft Davis with a monkey, Davis wrote Fish that he did not know what to do with the animal unless he could pass the civil service examination for a consulate. "No doubt," he added, "he will be as good as some who have held the commission in the past."⁵⁵

The learned George Henry Boker, Minister to Turkey, wrote Fish in criticism of our consul-general there.⁵⁶ "How Goodenow has managed to live in Constantinople for nine years without having any foreign language forced into his head is a mystery to me. It shows an amount of ingenuity at escaping undesired knowledge that is really commendable." Remonstrances from foreign sources were frequent. In June, 1873, for example, Thornton reported that the officials of Ceylon could not receive Grant's new Commercial Agent in Colombo socially. "He is a gambler, a heavy better and sporting man, a farrier with rather low associations." And some remarks by Ben Butler that autumn show how American politicians viewed the consuls. Butler had impudently tried to collect \$700 from the State Department upon the claim of his nephew, recently consul at Alexandria, for travelling expenses up the Nile. Fish refused payment. The result was a peevish outburst:

General Butler remarked that it was desirable that some of our Ministers should be able to speak at least some other language than bad English, adding that he believed Boker may be said to speak two, bad English and the profane. He alluded to the recent appointment of a consul at Havre, remarking with bitterness that Indiana was getting everything; denounced Bridgland (lately appointed consul at Havre) as a swindler and a thief; says he was under indictment and saved from conviction only by the fact that the District Attorney was not continued in office to prosecute him; that he had held some office in the Internal Revenue Department in Texas, where he had been a defaulter and a swindler; he enumerated other offices held by persons from Indiana, and among them Beardslee, who superseded his nephew at Alexandria. I remarked that Beardslee was a very excellent officer, and was the only

⁵³ Diary, October 2, 1873.

⁵⁴ Fish to Davis, Garrison, July 28, 1873; Letterbooks.

⁵⁵ July 23, 1873; Fish Papers.

⁵⁶ Boker to Fish, Constantinople, August 14, 1873; Letterbooks.

person whose appointment had been asked of the State Department by Mr. Colfax during the whole time of his Vice Presidency. He replied that Colfax had stolen money through the Credit Mobilier and got pay besides from the government in offices. . . .

Yet Fish succeeded in stopping some improper appointments. For example, in the fall of 1873 he tactfully prevented Grant from appointing Dr. Samuel Gridley Howe as Minister to Greece. A long feud had raged between Dr. Howe and the head of a large American mission school in Athens; the Greeks took exception to Dr. Howe's administration of a fund raised at the time of the Cretan revolt; and Fish distrusted the man's perfervid temperament. A few months earlier Howe had become head of a company to "develop" Santo Domingo. In 1873 the President wrote from Long Branch that he wished the consulate in Jerusalem given to the Rev. Dr. Frank S. De Hass of the Methodist Church.⁵⁷ Grant had known De Hass since the war, for he had been pastor of a church in Washington. Fish at once protested. It was unwise, he pointed out, to send any clergyman to a non-Christian country as Minister or consul. "Turkey is very sensitive, and unless a clerical consul is a *very* wise and discreet man, he can very easily get himself and his country into trouble at Jerusalem." Grant dropped De Hass. A little later the creation of a Court of Commissioners of *Alabama* Claims became necessary. Fish suggested several able men to the Cabinet. "Stop," suddenly cried Grant, "I want to put Cornelius Cole on." The California legislature had refused at the beginning of 1872 to reëlect Cole to the Senate. His integrity had long been under attack. He was one of the few Republicans who had voted against the Treaty of Washington. Fish indignantly objected. "Well," said Grant, anxious to do a favor for a friend, "how about making him counsel to the Commission?" This brought a protest from the Attorney-General. "I begged the President," writes Fish, "to look in some other direction for a place for Cole."

During 1872-73 Fish became convinced that many of the bad appointments which Grant tried to force upon him were suggested by Ben Butler, Orville E. Babcock, the Dents, and others who maintained a shrewd influence in the White House. The Kitchen Cabinet was developing. Bancroft Davis shared this suspicion. They believed that Babcock, Louis Dent, and others hoodwinked the President; that they

⁵⁷ Grant to Fish, July 11, 1873; Letterbooks.

wrote letters for him to sign; and that they induced him to authorize letters, and then included new matter in them. In July, 1873, Davis informed Fish at Garrison that the White House had just sent over a demand for two minor appointments. One man was wholly unknown, the other wholly unfit. "Shall I make out the appointment? It is a very peremptory order, and I do not believe the President ever ordered it. . . . Brimm is a rascal and ought not to be appointed. I do not believe the President sanctioned such an imperative order in his case."⁵⁸

Entering his second term with increased disinclination to defer to public opinion,⁵⁹ Grant seemed willing to brave any censure except that of the professional politicians and the backstairs White House cabal. Two striking illustrations of his tenacity in error were supplied in 1873 by his treatment of the Casey scandal in Louisiana, and the "Boss" Shepherd scandal in Washington. James F. Casey, Grant's brother-in-law, presided over the granite custom-house in New Orleans as Collector of Customs. Like Murphy in New York, he controlled local politics in the interests of the Administration. His gross misconduct in office, involving clear corruption, was frequently dwelt upon by the press.⁶⁰ In 1872 his activities were investigated by a Congressional committee, which made a very damaging report. This was withheld in the hope that he would resign, and when he did not, was published. Yet in March, 1873, the President shocked Washington by reappointing him for another four-year term. The independent press expatiated upon the "indecentcy" of the nomination. Many Washington observers expected the Senate to reject it, especially as West, the only member from Louisiana, opposed it; and so many of Grant's disgusted followers shirked the vote that a quorum could hardly be obtained. Yet Casey was confirmed by a slender margin. The *Nation's* correspondent voiced the general sentiment: "We may set it down as a certainty now that the moral tone of General Grant's second Administration will not be a particle above the first."⁶¹

At least the Boss Shepherd affair did not involve a relative of the President. In 1871 Congress had created a new and more efficient government for the District of Columbia. The law vested the greater part of the practical administration in a Board of Works, whose nominal head was President Henry D. Cooke, but whose actual director was

⁵⁸ Davis to Fish, July 11, 1873; Letterbooks.

⁵⁹ E. L. Godkin, *Nation*, January 15, 1874.

⁶⁰ *Nation*, 20, 1873.

⁶¹ *Nation*, January 27, 1873.

the masterful contractor, Vice President Alexander R. Shepherd. Without delay it undertook a much-needed system of public improvements, grandiose but practical, which began the transformation of ramshackle, straggling Washington into a beautiful and impressive capital. Unfortunately, this renovation soon piled up a debt of some \$17,000,000 and threw the Federal District into virtual bankruptcy. A brisk bombardment of charges fell upon Boss Shepherd—extravagance, jobbery, illegality, the making of a fortune by real estate “speculations,” and other dishonest acts. As the uproar rose to its height in the late summer of 1873, with thousands of citizens signing petitions for relief, Cooke resigned. He also received the testimonial letter of praise which Grant delighted to give to every man who left Federal office hurriedly and under fire.

Whom should Grant name in his place? The country assumed that it would be someone who would strike a ringing blow at the alleged District “Ring” of corrupt politicians and contractors, and pry into Shepherd’s dubious operations. Precise and detailed charges had been made against Shepherd. They connected him with flagrant violations of the law to his own benefit. Hence the consternation of confiding citizens when in September, 1873, the President named as Cooke’s successor—Boss Shepherd himself! The public did not know, as Fish did, that this appointment had been brought about by Babcock’s adroit manoeuvring and cajolery.

Few aspects of Grant’s career as President are more remarkable than his rapid induration against criticism. During his first year in the White House he showed repeated spasms of pain; he positively writhed under the talons of Dana’s *Sun*, and once warned his Cabinet that he wished no office given to any friend of any stockholder of that journal. Fish records on February 8, 1870, for example, that Grant spoke with the deepest feeling of the abuse to which he was subjected. Calumnies were being heaped upon him, he said; his enemies were inquiring into his private investments; somebody had even charged that his nomination of J. Russell Jones had been bought by a gift of land near Chicago—the fact being that he and Jones had purchased the tract in partnership. “He says,” Fish writes, “that he has very seriously been contemplating a resignation of his office.” Nearly all our Presidents have suffered from foul attacks, and nearly all have developed some defensive armor. Grant’s became so heavy that after 1872 few records of his sensitiveness

to the slings and arrows of his enemies can be found; and to an unfortunate degree he disregarded just criticism from responsible sources.

Very early in the second Administration the rickety structure of civil service reform crashed in complete ruin. The President had never paid the ideal more than lip-service; he had always regarded George William Curtis, head of the Civil Service Commission, as a nuisance. In March, 1873, he cruelly humiliated Curtis. The Surveyorship of the Port of New York had fallen vacant. Grant had at first nominated the Deputy-Surveyor, a faithful public servant for many years, and the press warmly praised this adherence to "the rules." Then the politicians became active. They began to predict that the President would withdraw the nomination. He did so—but critics were silenced by the announcement that the place would still be filled "under the rules," for the next-best man would be selected by a committee consisting of Mr. Curtis, Jackson S. Schultz, and Collector Chester A. Arthur. The public waited. Finally Grant nominated George H. Sharpe, a professional politician of no special fitness whatever. Curtis immediately authorized a statement in the *Tribune* that this nomination had been made without his knowledge or consent, and that "men do not willingly consent to be thus publicly snubbed." A few days later he resigned from the Commission. The little farce was ended; the officer-mongers' business flourished as much as ever, and when reform was mentioned, those in influence at the White House wore a derisive smile.

IV

But as we have said, what chiefly worried Fish was not Grant's specific acts, but his general negligence and laxity. The nation could endure the appointment of incompetent diplomats, of a Casey or a Shepherd, without material injury. But could it long endure the gross carelessness with which Grant administered his high office? Might it not sustain grave damage from such treatment as in 1873 he gave the choice of a new Chief Justice of the United States?

For within a few months after his second inauguration, Grant had to make by far the most important single appointment of the Administration. Salmon P. Chase, Chief Justice since 1864, died of paralysis on May 7, 1873. A man of brilliant if uneven powers, and of commanding if by no means winning personality, he had been even greater as Chief

Justice than as Senator from Ohio or Secretary of the Treasury. In the trial of President Johnson he had evinced a signally high sense of constitutional propriety and judicial responsibility, withstanding the clamor of the Radical politicians and editors with courage and dignity. In several far-reaching cases he had supported humble citizens against the use of arbitrary war powers by the Executive. With equal firmness, he had supported the President and Supreme Court against the attempted usurpations of Congress under Wade and Stevens. For nine years in his great office he had been wise, liberal, and just. Men realized that a mighty leader had fallen; the last of the three giants, Seward, Stanton, and Chase, who had borne the heaviest departmental labors during the Civil War, and whose exertions had shortened their lives. Men also realized that during the past seventy-five years the Supreme Court had been presided over by three jurists of consummate ability. Could Grant find a leader worthy to stand beside John Marshall, Roger B. Taney, and Salmon P. Chase? The nation expected him to try. Distinguished men—Swayne and Miller of the Supreme Court, Emmons of the Circuit Court, Curtis, Rockwood Hoar, and Evarts at the bar—furnished a field of selection.

Characteristically, Grant passed over such names in favor of Roscoe Conkling. He had formed a strong personal friendship for Conkling and was grateful to him as an Administration pillar in the Senate. The press was soon filled with reports of Conkling's hesitation, and filled also with surprised protests. Conkling had brilliant abilities. But his interest in the law had always stood subordinate to his interest in politics; while he displayed the very antithesis of the judicial temperament.⁶² A passionate partisan, proud and autocratic, a veritable Hotspur in temper, he was about as well fitted for the bench as for a monastery. Reckless, headstrong, full of dash and prone to splenetic quarrels, he could never be trusted to furnish a balanced judgment. For years he had practised but casually, his name appeared in few reported cases, and he had made only one argument before the Supreme Court. A hard student might atone for these deficiencies, but Conkling was not a student. And his whole bent ran counter to the tendencies which liberal men hoped would stamp the coming age. He had fought reform at every step, was wedded to machine politics, knew nothing of economic or social forces, and had never originated a single constructive meas-

⁶² *Nation*, October 2, 1873.

ure. Amid general relief, the Caesar of New York politics declined the post. His motives were mixed, but one which did him credit was his candid recognition that he was not equipped for the Chief Justiceship.

Grant thereupon made a creditable move. On November 30, 1873, after a Cabinet discussion, he impulsively turned to Fish. "He spoke of the Chief Justiceship," runs the diary, "and said he thought of offering it to me if I would accept it. Thanking him very cordially, I told him that I could not, that I did not feel myself competent for the place; he replied that he would be the judge of that, and he thought I was. I insisted that I could not accept it; that it was upwards of twenty years since I had had any connection with the bar or practise, and I had no familiarity now with the proceedings of the courts, and I felt that it would be important to put a younger man in the place." It was perhaps unfortunate that Fish declined. Unlike Conkling, he was a student. He could have mastered his judicial duties as quickly as he had mastered the State Department. His great work in foreign affairs having ended with the Geneva Arbitration, he could have embarked on a new career long outlasting the Grant Administration. But although several Cabinet members urged him to consent, he was adamant.⁶³

The President's next step was equally impulsive and less discreet. Ben Butler's influence over him at this time greatly puzzled observers. The two men should have been enemies; Grant during the war had sent Butler home from City Point discredited, and long years afterward *Butler's Book* contained a savage attack upon Grant's war record. "Butler says he has a hold on you," Rockwood Hoar once remarked as he sat beside the President. Grant set his teeth, drew down his jaw, and without changing countenance looked Hoar steadily in the eye during a long and painful silence—his way of expressing anger. At least partially, Grant's liking for the man is easily explained. The President and Butler agreed in detesting Sumner. Butler's very crassness of speech and act had its appeal to Grant. Above all, Butler supported most of the Administration measures, he flattered the President's prejudices, and he carefully allied himself with Babcock and the Dents. Now he proposed Caleb Cushing for the Chief Justiceship. For years he and Cushing had been close friends; Cushing had supported him for the governorship of Massachusetts in 1860, and defended him in a court action in 1868. Butler suggested that Grant might give Cushing

⁶³ Diary, November 30, 1873,

a "temporary" appointment. It would be understood that he must resign before Grant left office, and the President could meanwhile find somebody else. Grant accepted the idea!

But when Grant made the suggestion his Cabinet rose in opposition. Without exception they were opposed or dubious. Fish writes of his own stand: "I expressed a very high estimate of Cushing's ability and fitness and the appropriateness of some recognition of those who represented us at Geneva, but felt the force of the objection to Cushing's age, and the question of the propriety of dispensing an office of that character on a conditional tenure." Grant dropped the name.⁶⁴

His fourth step was very nearly the worst possible, for he nominated Attorney-General Williams. A storm instantly arose in the Senate, now just convened, and the press. Williams's reputation as a lawyer did not extend beyond rural Oregon. Whenever tested as Attorney-General he had signally failed. For example, after the Credit Mobilier inquiry Congress had ordered suits against the company, which had manifestly defrauded the government of millions. Yet Williams had so shamefully mismanaged the case that the government lost it.⁶⁵ Moreover, charges were soon made against his integrity. His wife was socially ambitious, and they had been living far beyond his meagre salary. On December 26, 1873, Fish went to the White House early for a Cabinet meeting, and found the President alone and much agitated. The reasons for his excitement are succinctly stated in the diary: ⁶⁶

He . . . asked if Senators Conkling and Frelinghuysen had called upon me. [On my] answering in the negative, he said they would do so to speak with reference to the appointment of a Chief Justice; that Judge Williams would probably not be confirmed. He did not think he (Williams) had done anything corrupt or illegal, but that there had been indiscreet things done. That Mrs. Williams had given orders for the purchase of an expensive carriage and liveries for two servants and that the expenses for those had been paid out of the contingent fund of the Department of Justice; as were also the wages of the two men who were employed as private servants. He manifested much regret at having learned this. . . . It was also alleged that Judge Williams had mingled his accounts with those of the Department, and that during the panic, when the banks were not paying private checks, it was said that the money for meeting the expenses of his house had been paid from the funds of the government; that he understood it had all been made good, but that this appropriation of government funds was unjusti-

⁶⁴ Diary, December 1, 1873.

⁶⁵ *Nation*, December 11, 1873.

⁶⁶ Diary, December 28, 1873.

fiable; that these Senators had mentioned the fact to him, and he thought it necessary to bring them to Judge Williams' notice; that they (Conkling and Frelinghuysen, as I understood) thought it had better be done by myself as the senior member of the Cabinet, and they would call upon me to give me the facts.

Williams, frightened and angry, lost his head and announced at the next Cabinet meeting that he intended to submit to the Senate Judiciary Committee a detailed statement of his personal and family expenditures since taking office. This would simply have offered fresh ammunition for the attack. Fish and Belknap persuaded him to refrain.⁶⁷ Mrs. Williams, a woman of temper, was meanwhile spreading spiteful gossip about Conkling. She told Mrs. Fish that he ought not to talk about misuse of money—he had used the secret service funds of her husband's department to gain his recent reelection. When Grant heard this malicious tale he was angry. "It is a falsehood," he told Fish. "The only use made of that fund was to pay Davenport for the registration of voters in New York City. That was perfectly legitimate, and I stand ready to defend it."⁶⁸

Williams's position was hopeless, and the only question was how to extricate him with the least possible damage to the Administration. The Senate Judiciary Committee held a conference with Fish, Edmunds acting as the principal spokesman;⁶⁹ and they exhibited two letters from Williams, floundering and unsatisfactory attempts at excusing his conduct. They told the Secretary that if they had to make a report, they would unanimously advise rejection. They preferred not to report, and asked that the name be withdrawn. Even if Williams withdrew, however, they would say nothing to whitewash him. The Committee was convinced that he had shown the most culpable negligence and indiscretion, and that while his intention might not have been criminal, his use of the contingent funds of the Department of Justice for personal expenses was at least a technical violation of the Act of 1846.⁷⁰

When Grant learned of the implacable attitude of the Senators, he placed the unpleasant task of closing the incident squarely on Fish's shoulders. The Secretary was to see Williams, and ask him to request the withdrawal of his name. "He might put it on such ground as he saw fit, but he thought Williams might say that the nomination had been

⁶⁷ Diary, January 2, 1874.

⁶⁹ Diary, January 6, 1874.

⁶⁸ Diary, January 5, 1874.

⁷⁰ Diary, January 7, 1874.

conferred upon him without solicitation, and that finding opposition in the Senate, and an amount of criticism in the press and from a portion of the Bar, that it might be a relief to the President to send in some other name." None too gracefully, Williams consented. His usefulness either within or without the Cabinet had of course been destroyed. The charges against him at once became public property, and the press thenceforth dubbed him "Landaulet" Williams—for it was a landaulet he had bought with government money. Yet Grant inexplicably and inexcusably permitted this delinquent servant to remain as the chief law officer of the government.

The President was now angry—Tom Murphy remarked that "the old man got mad"⁷¹—and more ready than ever to listen to Butler, Babcock, and the Dents. While Fish vainly urged him to nominate Rockwood Hoar, he returned instead to Caleb Cushing. Giving the excuse that the Senate would reject Hoar, he finally sent in Cushing's name; the reluctant but loyal Cabinet, Fish writes, "all assenting." The nomination was highly unpopular. Cushing stood high among the small group of really eminent American lawyers, but for this position he was the worst man in the group. Acute of intellect, saltily individual, as learned as Evarts or Jeremiah Black, still strenuously active in mind and body, he was an impressive figure; but he was more renowned for erudition than for wisdom, for shrewdness than for principle. His name was a synonym for crafty and shifting partisanship. He had left the Whigs to follow Tyler; in 1860 he had presided over the Democratic Convention; in 1868 he had been for Grant. His grave defects of temper had recently been exemplified in his book on the Geneva Arbitration. For thirty years he had made enemies on every side, and they now joined hands to defeat him.

In the midst of a Cabinet session two days after the nomination went to the Senate, a message was handed to Secretary Belknap. It was from Senator A. A. Sargent of California, who had been reared in Cushing's town of Newburyport, Mass., and had there learned to hate him. He asked for a copy of a letter in certain Confederate archives which the government had purchased in 1872 in the hope that they would contain material damaging to Horace Greeley; a letter which Cushing had written to Jefferson Davis on March 20, 1861. Belknap had a copy in his pocket.⁷² It was merely a polite note of introduction.

⁷¹ *Nation*, January 22, 1874.

⁷² *Diary*, January 13, 1874.

Cushing, who had then recently been the Democratic Attorney-General, presented a Washington clerk named Archibald Rowan to Davis as a gentleman deserving of confidence. That was all. The letter did not begin "My dear friend," as a lying version published immediately in the *Washington Chronicle* stated; it did not commend Rowan as a man of seven years' experience in the Ordinance Department and hence likely to be "of special service."⁷³ It was a mere act of kindness to a jobless clerk. But it was enough that Cushing had written a friendly note to Jefferson Davis a few days before the Civil War began. "It looks pretty black for Cushing's chances," Fish commented.⁷⁴

Next day the Cabinet held a special session. Grant had written a resentful letter withdrawing the nomination. Various members exerted themselves to soften its language. But in the midst of their expostulations Ben Butler was announced with a letter of withdrawal from Cushing himself; and Grant sent this with a brief note to the Senate. Once more Fish urged the name of Rockwood Hoar, but this time the President had a fresh excuse. He said that Hoar had told him only the day before that he was preparing a speech in which he would shortly deny the power of Congress to emit legal tenders. The Supreme Court had by this time, reversing itself, declared the legal tenders constitutional; and as Grant strongly held to this view, Hoar's opinion was repugnant to him.⁷⁵

It was now the middle of January, 1874. Nearly nine months had passed since Chase's death; two men had refused the Chief Justiceship, two more had been defeated as unfit; Grant must obtain somebody at once, or become a laughing-stock. After the wise precaution of consulting Senate leaders, he finally nominated Morrison R. Waite of Ohio, who was immediately confirmed. "It has been a hard parturition," wrote Fish, "I hope that what has been produced may prove successful."⁷⁶ Waite inspired mixed feelings; thankfulness when men thought of Conkling and Williams, discontent when they thought of Curtis or Hoar. It could fairly be said of the new Chief Justice that he stood in the front rank of the numerous second-class lawyers of the country. He would have been little known if Delano had not insisted upon him as one of the counsel at Geneva; but his character was unassailable, his standing at the Ohio bar was high, and he had just been chosen chair-

⁷³ Fuess, *Caleb Cushing*, II, 370-374.

⁷⁵ Diary, January 14, 1874.

⁷⁴ Diary, January 13, 1874.

⁷⁶ Fish to Schenck, January 19, 1874; Letterbooks.

man of the Ohio Constitutional Convention.⁷⁷ If in some respects commonplace, he quickly proved that he possessed industry, sense, and above all liberalism.

v

Plainly, Grant's administration was one in which almost anything might happen. More and more, it carried about it an atmosphere of stratagems and spoils. What, for example, was to be said of the scheme which Ben Butler confidentially broached to Fish one spring morning in 1873? He asked whether the State Department would object to the formation of an Anglo-American company to purchase the three northern States of Mexico and organize an independent government there! "This," he remarked, "would eventually result in the annexation of these States to the Union." Fish drily pointed out that there were five Mexican States bordering on our territory. Butler hastily corrected himself and said that he meant five! He promised that there would be no fighting, no filibustering, and no complications—that the company would use nothing but money and reason. It was part of his plan to induce Brigham Young and his Mormon associates, who had become discontented with Utah, to remove to this Mexican area. Fish could hardly take Ben Butler seriously in the rôle of Aaron Burr. And yet when he recalled Butler's connection with the backstairs group at the White House, he could not avoid a certain uneasiness.

Uneasiness, in fact, henceforth haunted him. What if the backstairs clique really took control of the government? But Fish was of a religious temperament; and he may have heard of Bismarck's statement that a special Providence existed for fools, drunkards, and the United States.

⁷⁷ *Nation*, January 22, 1874.

SECRETARY FISH was to have one more opportunity to serve the cause of peace in a great international crisis. A new Cuban imbroglio, arising with dramatic suddenness, for an anxious month threatened war, and tested his sagacity, calmness, and patience to the utmost.

Late in the evening of November 5, 1873, Fish received a telegram from Consul-General Henry C. Hall in Havana announcing that the Spanish gunboat *Tornado* had captured the ship *Virginius* and brought her into Santiago.¹ Hall had no later news. As Fish was aware, the *Virginius* was notoriously engaged in the business of carrying arms to the Cuban rebels; his files were full of Spanish complaints about her.² On the 6th, the Secretary accompanied Grant to a fair at Leesburg, Va.³ He returned that night to find a dispatch from Sickles announcing that the Madrid Government had instructed Captain-General Concha to inflict no penalties without its sanction.⁴ This looked hopeful, and while somewhat disturbed, he anticipated no serious trouble.

But next day, Friday the 7th, while the Cabinet were discussing the dispatches from Havana and Madrid, the correspondent of the Associated Press sent an envelope marked "urgent" in to Fish. It contained a dispatch filed in Havana a few hours earlier, stating that the Santiago authorities had condemned four of the prisoners, including the noted "General" Ryan, to death, and they had been shot on the morning of the 4th. This was alarming news. An excited discussion ensued upon the legal responsibility which Spain had incurred in the capture of the vessel and the summary execution of the four men, one an American.⁵ Grant wrote on a card: "Would it not be well to telegraph Sickles that the summary infliction of the death penalty upon the prisoners taken from the *Virginius* will necessarily attract much attention in this country, and will be regarded as an inhuman act, not in accordance with the spirit of the civilization of the 19th century?"⁶

Sir Edward Thornton and Admiral Polo that afternoon, hearing the

¹ Fish Papers; *Foreign Relations*, 1874, 930 ff.

² See *Foreign Relations*, 1874, 1003-1030, for her activities.

³ Diary, November 5, 6, 1873.

⁴ Sickles to Fish, November 6, 1873; *Foreign Relations*, 1874, 920.

⁵ Diary, November 7, 1873.

⁶ Fish Papers.

news, hurried to the State Department. Thornton told Fish that he had strongly condemned the precipitate shooting of the four captives. When Polo arrived, Fish closed the door and spoke in the most serious tone. "I told him the case promised to be a grave one, but I hoped it would be discussed calmly and on its merits; it was not to be denied that the precipitate action of executing four of these men would excite a great deal of feeling in this country and elsewhere. He inquired whether I knew whether she had been arrested in British waters or not. Informing him that I had no positive information on the subject, I referred to the official publication in Madrid which states that she had been captured six miles out from Jamaica. . . . I was not prepared to admit the right of capture on the high seas even though the chase had begun in Spanish waters. He thought the *Virginus* was not properly carrying the American flag. I asked him confidentially if he would furnish me any evidence on that point, which he agreed to do." ⁷

But while it was a serious affair, it did not even yet seem to hold a grave threat of war. Suspected ships had been captured before; Americans more innocent than Ryan had been shot. Communication with Santiago remained interrupted throughout the 9th, 10th, and 11th. Fish meanwhile heard from Sickles that President Castelar had been deeply agitated by the news of the shootings, and had sent strict orders to stay further proceedings. He had at once called upon the American Minister. ⁸ "How deeply I deplore the execution of the four prisoners!" he exclaimed. "What a misfortune that my order was not received in time to prevent such an act! It was against the law. . . . Such scandals must cease." This was a gratifying attitude. The Cabinet on the 11th showed calmness. Fish writes in his diary: ⁹

The affair of the *Virginus* and our relations with Cuba and Spain were discussed. I read a private letter addressed to me by Hall . . . in answer to one of mine inquiring as to the present and possible future of our relations with Cuba and Spain. Long and serious discussion was had, in which all the members present more or less took part. A concurrence of opinion that war was not desirable, but might be within the contingencies, was expressed, and the question of the recognition of belligerency was discussed, and so far as any opinion was expressed, it was to the effect that there was not sufficient evidence of Government and Authority in the insurgents to

⁷ Diary, November 7, 1873.

⁸ Sickles to Fish, November 7, 12, 1873; *Foreign Relations*, 1874, 922.

⁹ Diary, November 11, 1873.

justify a recognition; in a word, that the *fact* of belligerency does not exist; although this conclusion was reached with much difficulty and after a presentation of opposite views.

In answer to a request for my views as to what should be done, I suggested a recommendation for the discontinuance of all commercial intercourse with the island of Cuba, to be accompanied with expressions of kindness and sympathy with the present Republican Government of Spain, and the pointing out that the outrage and wrongs in Cuba are the result of a secondary insurrection against the power of Spain; viz., that of the Casino Espagnol and the Spanish Volunteers. The proposition was considered in various lights, and arguments for and against were advanced. I advised that no decision should yet be reached, for unless Spain should be able to release the embargoed estates of American citizens before the meeting of Congress, it might become necessary to recommend some still more positive measure.

I

Then on November 12th fell a thunderstroke. The State Department received news from the consul-general in Havana that five days earlier Captain Fry of the *Virginus* and thirty-six men had been executed in Santiago as "pirates," and four days earlier twelve more—making fifty-three in all shot. The press that day blazoned the news to a startled nation. The anger of the country mounted as additional details came in. Behind the veil drawn by severed telegraphs one of the most brutal crimes of the period had been enacted, and now was suddenly disclosed to the world.

It appeared that the *Virginus* had carried 52 officers and men and 103 passengers, many of the crew being American and British subjects and most of the passengers Cubans.¹⁰ The captain was Joseph Fry, an attractive Louisianian, who after serving twenty years in the American navy and four with the Confederacy had just joined the ship.¹¹ The vessel carried regular American papers and the American flag, though her right to both had long been questioned. Her errand had been obvious: arms and ammunition had been thrown overboard during the chase, while many of the Cubans looked like rebel recruits. The governor of Santiago, General Juan Burriel, convoked a court-martial to decide the fate of the prisoners. The first four men, Gen. W. Ryan and three Cubans, had been tried and sentenced some two

¹⁰ For documents on the *Virginus* see House Ex. Doc., 43rd. Cong., 1st session, No. 30, *passim*.

¹¹ J. M. Walker, *Life of Captain Joseph Fry* (1875).

years earlier, and were now shot as soon as identified. The others were given a secret trial, without counsel or opportunity to be heard in their own behalf; a flat violation of the treaty provisions of 1795 with the United States guaranteeing civil trials to Americans. Vigorous protests by the British consul and American vice-consul had availed nothing.¹² The men were lined up against a wall, and a volley poured into them. "Then ensued a horrible scene," later wrote an onlooker.¹³ "The Spanish butchers advanced to where the wounded lay writhing in agony, and placing the muzzles of their guns in some instances in the mouths of their victims, pulled the triggers, shattering their heads into fragments."

Burriel, a martinet who mingled sadism with Catholic fanaticism, refused to let the American vice-consul telegraph Jamaica for evidence. He at first ignored the vice-consul's written protest, and finally, after the killings, replied with insulting arrogance. He had been too busy to answer letters, he wrote.¹⁴ Moreover, "the past two days were holidays, upon which the officials do not come to their offices, being engaged, as everyone else, in the meditation of the divine mysteries of All Souls' day, as prescribed by our holy religion. . . ." Other executions would have occurred had not the British warship *Niobe* under Captain (later Sir) Lambton Lorraine arrived in port on the 7th. He had sailed from Jamaica in such hot haste that he left several of his crew behind. He at once delivered both oral and written protests against Burriel's acts. Spain had no right, he declared, to capture the *Virginus* on the high seas; and even though she carried arms and recruits, her crew were not to be treated as prisoners of war—much less as pirates. Burriel sent him an insolent answer: "I am not in the habit of allowing myself to be overawed." Thereupon Lorraine swung his ship about, trained his guns upon Santiago, and though he made no explicit threat, let it be understood that further executions would mean the bombardment of the city. One of its principal avenues is honored today by the name of this resolute British officer.¹⁵

To understand these savage murders we must grasp a number of

¹² Chadwick, *Relations of the United States and Spain* (Diplomatic), 318 ff.

¹³ Walker, *Fry*, 281.

¹⁴ The full correspondence, which presents Burriel in a sickening light, is in House Ex. Doc., 43d. Congress, 1st Sess., No. 30. Eight American citizens had been slain.

¹⁵ Lorraine was later banqueted and presented with a service of plate by the people of New York City; H. T. Peck, *Twenty Years of the Republic*, 535. For his course see House Report 781, 43d Cong., 1st sess.

facts. One of the most important is the reckless and fanatical character of the government in Santiago. Cuba was no longer ruled from Madrid. In Havana and Santiago the Volunteers carried affairs with a high hand; they felt as insensate a hatred of Americans as of the Cubans; and they had long defied the laws of humanity. Burriel was merely an extreme representative of their cruelty. We must remember, again, that many residents of both Spain and Cuba yet belonged rather to the Middle Ages than to modern life. Both lands had long been a seat of desolating civil strife. In both illiteracy, religious superstition, official corruption, and poverty had combined to retard progress toward humane principles. In Cuba atrocities of the most fearful kind had long ceased to excite comment; in Spain itself the Carlists were responsible for executions as brutal as those in Santiago.¹⁶ When the news of the capture of the *Virginus* reached Madrid, much of the press set up a clamor for blood. Indeed, even the best Spaniards probably thought that the execution of a few dozen men for transporting arms to the insurgents was a trifling matter.

Moreover, the *Virginus* had long been the very symbol of the much-hated work of American filibustering. A former blockade-runner, built (like its captor the *Tornado*) on the Clyde, and captured at Mobile in 1865, she had been sold by our government in 1870 to one Patterson for \$9,800, and "chartered" by the Junta. She had immediately become famous for her activities in Cuban waters. In one trip she had landed ordnance stores near Santiago for the rebels; in another needle-guns, Remingtons, and ammunition. She had even helped the Venezuelan dictator, Guzman Blanco, quell a revolt on the understanding that he would later assist the Cuban cause. For three years she had been a thorn in the Spanish side.¹⁷ Efforts by Madrid to have her held by the Venezuelan and Colombian authorities had been resisted by the American Ministers to these nations. We have noted how the *Kansas* escorted her out of Colon when she was threatened by a Spanish cruiser. This was done because her papers had been declared correct by the American consul. Yet her character was such that in 1872 the British Minister to Venezuela had prevented her nominal sale to an Englishman by declaring that she would be seized as an outlaw if she hoisted British colors! Naturally the Volunteers had

¹⁶ This aspect of the matter impressed England, which had lost subjects in Spain itself; *London Times*, November 14-20, 1873.

¹⁷ Fish's Diary, 1871-73, contains repeated entries on Spanish complaints of the *Virginus*

long boasted of what they would do if they laid hands on her. It was Captain Fry's fate to be haled before the most vengeful of the island's local despots at the very time that communication with Havana and Madrid was broken by the insurgents. Burriel had a clear field, and ran amuck without hindrance until the *Niobe* interposed.

When Fish received the Havana dispatch upon the "butchery and murder" (as he later termed it) at Santiago, he showed it to Grant, and thence hurried to the Navy Department to see Secretary Robeson. Two days earlier he had asked Robeson to send a warship to Santiago immediately. The *Kansas* was to sail on the morrow, and a messenger was now rushed to New York with fresh instructions to the captain.¹⁸ Robeson had assured Fish that the navy was prepared for any emergency, and that several ironclad monitors could sail for Cuba on brief notice. The Cabinet the day before, indeed, had discussed the mobilization of troops, and Belknap had postponed the transfer of certain army units until the situation cleared.¹⁹ A fleet-encounter would have provided an interesting test of the comparative merits of the old-style American monitors and the new-style armored ships of Spain. But America had all the advantages of position, greater tonnage, and—no doubt—better gunnery.

Returning to the State Department, Fish sent an ominous message to Sickles. "If the report be confirmed," he directed, "you will protest, in the name of this government, and of civilization and humanity, against the act as brutal, barbarous, and an outrage upon the age, and will declare that this government will demand the most ample reparation of any wrong which may have been committed upon its citizens, or upon its flag."²⁰ But he added that grave suspicion existed as to the right of the *Virginius* to her flag and papers, and that Sickles must bear this in mind in whatever he said to the Ministry. American indignation was fierce and deep. The flag had been insulted, and even men who cared nothing for freeing Cuba were aroused.²¹ Bancroft Davis informed Fish from New York that he heard the expression of a powerful emotion "on every side and from all classes of people." The correspondent of the London *Times* wrote that the executions had caused

¹⁸ Diary, November 12, 13, 14, 1873.

¹⁹ British authorities agreed that the American Navy, antiquated as it was, could easily dispose of the inefficient Spanish Navy; see London *Times*, November-December, 1873.

²⁰ House Ex. Doc., 43d Congress, 1st Session, No. 30, 15 ff.

²¹ Oberholtzer, *United States*, III, 123, 124.

"an outburst of indignation from the press and the people that is ominous for Spanish rule in Cuba." Indignation meetings were held in Pittsburgh, Boston, Baltimore, New Orleans, and other cities. The press immediately gave great space to naval preparations and the strengthening of coastal fortifications. For some days the *New York Times* reported "intense excitement" in Wall Street.

Under other circumstances this excitement—matched in Spain by popular feeling which at one moment threatened a mob attack on the American Legation—would have touched the match to war. But the danger of a conflagration was far smaller than would have seemed possible a year earlier. The United States had just suffered a severe financial panic, and was preoccupied with the grim depression now rushing upon it. Since the establishment of the Spanish republic the previous spring, the movement for intervention had almost collapsed, and sympathy with Madrid had become widespread. Faith in the Cuban rebellion had diminished. The uncertain status of the *Virginus* was soon borne home to the American people, who also shortly realized that Castelar was honestly willing to make whatever reparation was politically feasible. Nor did any such latent jingoism exist as was to respond to the sinking of the *Maine* in 1898; Americans were too close to their last war. Trustworthy observers were agreed that the general wrath stopped short of a demand for hostilities. *Harper's Weekly*, the *New York Tribune*, the *Nation*, and other organs declared that no real demand for a conflict existed outside Junta circles.²² Dana's *Sun* was almost the only journal of influence which called for unsheathing the sword.

II

Fish's position in the crisis passed rapidly through three phases. Comprehending the weakness of Spain, he reserved his anger for the irresponsible officials of the island. At the outset he expressed the view that the outrage proved Spain's inability to govern there, and that if she could not call her subordinates in Havana and Santiago to strict account, she would do well to take her hands off and let the United States deal with them. When Madrid asserted full responsibility, he determined to require a full atonement. Arbitration, he held, was inadmissible, for the question was one of national honor. Madrid

²² *N. Y. Times, Tribune, Herald*, November 14–30, 1873.

must apologize for the insult to the flag, must restore the ship and pay for the blood spilt, and must furnish "some speedy and signal visitation of punishment" on the guilty officials. This second policy resulted in peremptory demands upon Castelar's government, with a time-limit attached. Then, discovering how dubious was the *Virginus's* title to the American flag, and realizing that too harsh an attitude would cause the fall of the Spanish republic, he greatly modified his demands. But throughout the three phases of his policy he was intent upon preserving peace. His greatest difficulty lay not with American sentiment, which was moderate, nor with Grant, who supported him, but with the pride and stubbornness of Spain.

The first phase was brief. On November 13th Polo was at the State Department, full of anxiety.²³ Eager to present some excuse, he declared that the United States had not used due diligence to prevent the filibustering expedition. Recruits had left New York for it on the *Atlas*, despite Spanish warnings to the Federal Attorney. It turned out that no sworn evidence whatever had been presented to the Federal Attorney. Fish spoke in severe condemnation of Burriel's course—his brutality, his refusal to let the American consul telegraph to Jamaica, and so on. He pointed also to the failure of the Captain-General to move energetically. "All this looks like premeditation," he said. He then descanted upon Spanish impotence in the island. "The Volunteers and Casino Espagnol have usurped the powers of your government," he told Polo. "They have accomplished a successful revolution." Why not admit it? Why should Spain not confess to the indignant world that the Volunteers were in rebellion against her no less than the insurgents, and that the home government was temporarily powerless? Madrid might then inform the United States that it was at liberty to avenge any wrongs perpetrated by the Volunteers. Fish added that while he could not make this suggestion officially, it seemed to offer a means of maintaining peace between Spain and the United States, and at the same time of reducing Cuba to such a position that the Spaniards could carry out their reforms. And he could assure Polo of one fact; the United States was determined to have "most ample reparation" for all the wrongs she had suffered.

As Polo was ushered out the Peruvian chargé entered. Latin America, when the news of the crisis reached it, had felt a thrill of hope

²³ Diary, November 13, 1873.

that the United States would now liberate Cuba; and the chargé brought word that his country would furnish the fullest support. "Do you mean that Peru will go to war with Spain?" asked Fish.²⁴ The chargé unhesitatingly replied yes. "I encouraged him to suppose," Fish writes, "that in case any action is determined on I might communicate with him." A few days later similar assurances of aid came from our Minister to Mexico.

The 14th brought the first Cabinet meeting since news of the massacre. Fish exhibited a draft-message to Sickles, written with sufficient asperity to impress Madrid with the gravity of the crisis.²⁵ The Minister was to demand the restoration of the *Virginus*, the release and delivery to the United States of the survivors; and a salute to the American flag in the port of Santiago. If satisfactory reparation were refused, he was to close the legation and leave Madrid.

President Grant at once approved this. Creswell wanted something more prompt and decided, but could not explain what; he said that he was afraid Spain would comply with the demands! What he actually wanted was war. Robeson and Williams at first thought that it would be better to make a mere general demand for ample reparation. Time soon proved that they were right; but after Fish had offered some arguments, and Grant had declared an emphatic preference for specific demands, they yielded. Only one amendment was made. Fish had inadvertently omitted any reference to penalties, and to the first sentence was added a demand for "the signal punishment of the officials who were connected with the capture of the vessel and the execution of the passengers." Spain was given a time-limit of twelve days. Thereupon the Cabinet again fell to discussing preparations for war.²⁶ Robeson was directed to collect the entire available navy in Florida waters at once, Grant and Fish assuring him that Congress would legalize any overdraft upon his appropriations. The West Indian fleet under Rear-Admiral Scott comprised five ironclad monitors, and twelve wooden ships; it was at once heavily reinforced, while nine colliers were hurried to Key West with fuel.²⁷ Troops were concentrated at Fortress Monroe; Fort Jefferson and other Gulf posts were strengthened and re-garrisoned. Official circles in Washington not only believed the navy able to crush the Spanish fleet without difficulty, but anticipated no difficulty in landing an initial army of ten

²⁴ Diary, November 13, 1873.

²⁵ Diary, November 14, 1873.

²⁶ *Ibid.*

²⁷ Report Secretary of Navy, 1874.

thousand men in Cuba within a few weeks.

At the State Department Fish immediately placed his dispatch upon the wire. It was virtually an ultimatum; if Spain did not meet his requirements within twelve days diplomatic relations would be severed—and that meant war. Edwards Pierrepont had written offering to help arouse public sentiment.²⁸ Fish replied: ²⁹ “The Administration does not need the stimulus of public meetings. It is ‘fired up!’ and you will see monitors and vessels of war moving toward the Antilles as fast as they can be put to sea. We appreciate that a certain class of negotiations are best conducted by a nation, its full armor on its back, and *we are in thorough earnest*. If the armor does not secure peacefully what will be satisfactory it will at least be ready for consequences.” He was deeply aroused. Three days later he wrote William Cullen Bryant that the Administration was occupied with “the horrible butchery” at Santiago.³⁰ “I think that it marks the end of Spanish rule in Cuba. It throws grave responsibilities on this government, and opens a difficult question as to the future of the island. . . . But it is evident that Spain cannot govern it, in fact that Spain has not for some time past been able to control it. Should not then the *nominal* supremacy of Spain over the colony be denounced by other Powers—even if not renounced by her?”

No one who knew the Spanish temper expected prompt action from even Castelar’s liberal régime. Sickles received Fish’s dispatch of the 12th, instructing him to protest against the executions as brutal and barbarous and to demand “the most ample reparation,” on the 14th. Already he had talked with Foreign Minister Carvajal, voicing the indignation of the United States, and questioning him as to the real extent of Spanish authority in Cuba.³¹ He had made no demand, however, expecting that Spain would spontaneously offer reparation; for both Castelar and Carvajal had expressed deep regret over the shootings. But on receipt of Fish’s dispatch of the 12th, with its stinging epithets, “butchery and murder,” “barbarous,” and so on, he sent Carvajal a note which reproduced its language almost verbatim. When the Foreign Minister read this note he bristled defiantly. Regarding its phrases as insulting, and believing that the hot-tempered Sickles had written it without due authority from Washington, he took a resentful attitude which gave the whole situation a new tension. That same day, Novem-

²⁸ Pierrepont to Fish, November 13, 1873; Fish Papers.

²⁹ Fish to Pierrepont, November 14, 1873; Letterbooks.

³⁰ Fish to Bryant, November 17, 1873; Letterbooks. ³¹ Chadwick, *op. cit.*, 327–329.

ber 14th, he penned a heated reply. In this he indignantly rejected the protest. He commented upon its harsh and insulting style. He denied the right of the United States to characterize Spanish acts in any other terms than those which Spain herself thought just; particularly when neither the State Department nor Sickles possessed sufficient information about the *Virginus* affair to support a complaint. He regretted that the American Minister had not waited, as he had at first intended, for spontaneous action by the Spanish Government; and he stated that he would tolerate "no disparagement of any right."

This violent reply in turn angered Sickles. He hastened, in a new note of November 15, to correct Carvajal's view that he had gone beyond his instructions, pointing out that his language was almost a precise transcript of Secretary Fish's instructions. He rebuked Carvajal sharply. "When His Excellency proceeds to affirm that neither the government of the United States nor the undersigned are sufficiently informed of the nationality of the *Virginus* or of the circumstances attending her capture . . . to warrant a reclamation or protest against these acts, the undersigned can do no less than point out to the Minister of State that he thus assumes to speak of matters not within his cognizance." By this time Fish's dispatch of the 14th, the virtual ultimatum, had arrived, and he notified the Foreign Minister of its demands in blunt terms. He also sent a note calling attention to the refusal of General Burriel at Santiago and the Captain-General at Havana to listen to the requests of the American consul and consul-general. Altogether, Carvajal must have felt overwhelmed that November day. The notice that his government had less than a fortnight within which to restore the *Virginus* and her surviving men, to salute the American flag, and to punish the responsible officials, showed Spain on the beetling verge of war.

And Fish was as indignant as Sickles. At the same time that he learned from Madrid that Spain had rejected his first protest, he received a report (which happily proved erroneous) that fifty-seven more prisoners had been executed in Santiago. He telegraphed this news to Sickles as evidence of the necessity of speedy reparation, adding: "There is but one alternative if denied or long deferred. If Spain cannot redress the outrages perpetrated in her name in Cuba, the United States will. If Spain should regard this act of self-defense . . . as necessitating her interference, the United States, while regretting it, cannot

avoid the result. You will use this instruction cautiously and discreetly, avoiding unnecessarily exciting any proper susceptibilities, and avoiding all appearance of menace; but the gravity of the case admits no doubt, and must be fairly and frankly met.”³² The United States might have to land troops at Santiago and discipline Burriel, whatever the consequences for peace or war.

The result of Fish's stand was that within three days the Spanish Government climbed down from its first defiant position. It is true that Carvajal on the 17th loosed another rhetorical note at Sickles, characterizing the American demands as humiliating and unjustified, and asking for a suspension of judgment pending an investigation. Spain, he wrote,³³ “will decide upon nothing to relieve the flag of the United States from an offence until she is certain the offence exists”; but if her officers had violated any obligation whatever, “she will be glad to repair the wrong according to its just importance.” The hotheaded Sickles cabled to Fish: “Regarding this as a refusal within the sense of your instruction, I propose, unless otherwise ordered, to close this legation forthwith, and leave Madrid, embarking at Valencia for France. . . .” Next day he added: “Popular feeling runs high here against the United States and this legation. Press violent and abusive, advising government to order me out of Spain. Last night a mob was collected to attack and sack the legation. The authorities interfered and preserved the peace.” But the Spanish Government at last realized that the United States was in earnest. On the 18th it therefore offered to transfer the negotiations to Washington. Admiral Polo was directed to ask for a proper period in which to ascertain the facts. But he was also instructed to assure the American Government, in positive terms, that Spain would comply strictly with her treaties and the principles of international law; that she would punish all officers who deserved it, regardless of station, and that she would make full reparation for all proved offences.³⁴

Fish felt that this plea for an interval to permit of investigation was reasonable, and directed Sickles to tarry in Madrid for further instructions. He was also glad to have the negotiations brought to Washington. For one reason, personal feeling evidently existed between Sickles and Carvajal. For another, some telegrams from Sickles were

³² Fish to Sickles, November 15, 1873; *Foreign Relations*, 1874, 941.

³³ *Foreign Relations*, 1874, 947-949.

³⁴ *Foreign Relations*, 1874, 951, 954, 979.

arriving in very distorted shape, and were excited in tone; Fish distrusted him, and was glad to have Spanish statements reach him direct from official Spanish sources, not through a medium. With Congress about to meet and much of the press violently aroused, he wished to hold the reins firmly in his own hands.³⁵

In fact, Fish and Polo were as likely to find a peaceable solution as the nervous Carvajal and testy Sickles were likely to come to a rupture. Both men were calm and reasonable; Fish had been striving for years, Polo for months, to avoid hostilities over Cuba, and each was aware of the weakness of his government's case. At best, the outlook remained sinister; but there were certain factors making for mutual forbearance.

Admiral Polo knew well that the *Virginius* could be convicted of nothing worse than an intent to violate the municipal laws of Spain. Her chase, as was later proved, had begun outside Cuban waters. She had offered no resistance, and was in fact unequipped for offense or defense. No recognized state of war existed in Cuba, and the ship's cargo could not be regarded as contraband of war when there was no war and no blockade. No proof could be offered that any of the Americans on board had accepted commissions in the Cuban army—which was not a recognized army anyway—or meant to levy war against the Spanish Government. The Spanish navy would have been justified in watching the vessel, in seizing her had she entered Cuban waters, or possibly even in a precautionary seizure on the high seas; but the authorities had no excuse for visiting such a fearful punishment on her men. As one of the best authorities states:³⁶ "Had they even been seized while in the act of landing the passengers the business in which they would have been engaged would not have amounted to piracy. The element of violence would have been wanting." Fish had repeatedly warned Spain not to treat Americans running the patrol as "pirates."

For his part, Fish knew that the status of the *Virginius* was highly dubious. What real title had she to her American papers and her American flag? If none, what right had the American Government to inter-

³⁵ Fish to Elihu Washburne, February 12, 1874; Letterbooks.

³⁶ W. E. Hall (the eminent British publicist), *A Treatise on International Law*, 7th ed., 276, 277. The great weight of opinion takes this view. James Brown Scott, however, in *Cases on International Law*, 320-322, states that unrecognized insurgents are "political pirates."

fere in her behalf? The papers seemed in proper order, and American consuls and American naval officers had recognized her as entitled to them and to the flag; but what if the title rested in fraud? Fish knew that one or two of our consuls in Caribbean waters had for many months felt that the *Virginus* possessed a dubious legal claim to American protection, and no moral claim at all. He knew that journals like the *Nation* were questioning whether the legal title were valid. And on November 15 he received a rude shock in the matter. He writes in his diary:

Pearne, last consul at Kingston, called at the Department and in the course of conversation respecting the *Virginus* mentioned that the papers were all regular, and he had placed Frye in command of her when Williams gave up. On my inquiring how he came to do so, he stated that he had acted in strict accordance with the consular regulations, and at the request of the owners of the *Virginus*—adding that he had refused to do so until requested both verbally and in writing by Mr. Quesada. I asked if Mr. Quesada was the owner; he said that he appeared to be, and on my reminding him that the vessel was registered in the name of Patterson he remarked: "So it was. That never occurred to me. Had I thought of that I could not have made the transfer."

General Quesada was a member of the Cuban Junta in the United States! As it appeared later, he, José Mora, and other Cubans were the real owners, and Patterson's sworn statement that he was the sole proprietor and that no foreigner was interested in the vessel was false.³⁷ A ship owned by the Junta, and employed in landing not only arms but armed men to fight against Spain—Pedro Cespedes, Ryan, and others were notoriously Cuban soldiers—was making fraudulent use of our flag.

Various influential Americans argued with the State Department that the disreputable character of the *Virginus* gave it a weak case. The distinguished attorney John Norton Pomeroy contributed a well-balanced article to the *Nation*.³⁸ In a letter to Fish he pointed out that during the long *Alabama* controversy the United States had strongly condemned the fraudulent use of neutral flags and papers in aid of combatants; and that for our government to abandon these principles in response to a sudden feverish clamor would largely obliterate our triumph in the Treaty of Washington.³⁹ Edwards Pierrepont sent Fish

³⁷ *Foreign Relations*, 1874, 1001–1009.

³⁸ *Nation*, XVII, 332–34, Nov. 20, 1873.

³⁹ Pomeroy to Fish, Rochester, N. Y., November 21, 1873; Fish Papers.

similar advice. It was true, he stated, that every ship with papers of *prima facie* regularity was part of the soil of her apparent nationality, and that an attack upon her was good cause of war. "But because there is no precedent to support the contrary proposition, it does not follow that none ought to be made. The great volume of the Common Law was swelled to its present proportions by *new precedents* arising out of new circumstances. Suppose the Spanish Volunteers in Cuba, inflamed against the citizens of the United States, should send an armed expedition intended to aid a bad riot in New York and to burn the city, and a United States ship of war should sink the ships of this expedition off Sandy Hook in an attempt to capture them, would Spain have just cause for war when it appeared that the ships with Spanish register and Spanish flag were in fact owned by lawless men in New York who planned the riot? . . ." ⁴⁰

Knowing how treacherous was the ground they trod upon, both Polo and Fish were inclined to move cautiously. When Polo received news of the transfer of negotiations, Fish in a long conversation impressed upon him the importance of definite Spanish action in place of mere promises. The United States was tired of the postponements of recent years, he said. At the Cabinet meeting that afternoon, the 18th, as he was reading the latest message from Spain, a note was handed him from the Associated Press. It contained a Madrid dispatch saying that the Spanish Cabinet were unanimously in favor of a satisfactory and honorable settlement, but were resolved to protect the integrity of Spanish territory. Fish then turned to the task of convincing Grant that patience was necessary: ⁴¹

I express the opinion that these representations may probably lead to the necessity of extending the time at which Sickles has been directed to close his legation. The President replies that this is only the same sort of procrastination to which we have been accustomed. Admitting the fact, I observe that this government cannot afford to go to the extreme of war in view of an official representation that Spain is prepared to make honorable satisfaction by means of which damaged interests will be reëstablished and national susceptibilities appeased; that we owe it to ourselves and the world to be right, before resorting to the extreme measures of war; and that if Spain declare her readiness to make atonement we should not be justified in withdrawing our Minister until she had ample time to obtain from Cuba full official re-

⁴⁰ Pierrepont to Fish, November 24, 1873; Fish Papers.

⁴¹ Diary, November 18, 1873.

ports of the occurrence. I then read the "private and confidential" of November 15, addressed to me by Captain Edwin L. Brady, and mention what was stated to me by Mr. Pearne on Saturday last respecting his placing Captain Frye in command of the *Virginus* on the request of Mr. Quesada, who assumed to be the responsible owner of the vessel, and that if Quesada was the owner Pearne was wrong in granting the papers, inasmuch as the fact showed a change of ownership which deprived the *Virginus* of her right to the register which she bore.

The President said there would be time enough before the 26th to decide whether to extend the time.

The next day Fish and Polo, anxious to reach a peaceful settlement, had another long discussion. The Minister asserted that the vessel belonged to Quesada, and that her papers had been obtained by fraud. "Well," said Fish, in effect, "it seems to me there may be an easy way out. Your government can say that it believed the *Virginus* had no regular American papers and was sailing under false colors. You can apologize for the mistake—for it really did have regular American papers. You can thereupon restore the ship, and salute the flag as having been unintentionally assailed. But General Burriel should at all events be punished for his brutality, and the surviving passengers should be surrendered."⁴² The Secretary of State was trying to build an easy bridge for the Spanish retreat.

Thereafter he and Polo acted in close coöperation. They saw each other every day, and sometimes several times a day; they concerted steps which they believed would circumvent refractory members of their two governments. For example, on November 20 Polo called with a proposal by Madrid for arbitrating the dispute. Fish could not accept it, but he was unwilling to rebuff the Castelar Government sharply. He and Polo therefore agreed upon the following mild telegram, which Polo sent back to Madrid: "Read the telegram to Mr. Fish, who will take it into consideration, with a sincere and earnest desire to reach an honorable and amicable adjustment, but he cannot conceal the fact that there is great difficulty attending it. He says that he has no knowledge as yet of the release of the embargoed estates, or any manifestations of the power of Spain to enforce in Cuba her orders or the reforms of which assurances have often been given, or to give hope of the early pacification of the island, or to assure the protection of the lives and rights of American citizens therein." A few days later Fish, in

⁴² Diary. November 19, 1873.

accordance with the decision of the Cabinet on November 21, formally replied that a question of national honor was not arbitrable; but the sting of this refusal had been drawn in advance.⁴³

III

Meanwhile he was taking measures to reduce the demands originally made upon Spain. As a result of his arguments, the same Cabinet meeting that pronounced against arbitration decided that he was "to hold the door open for further propositions, conditioned upon an apology for the indignity to the flag, and the delivery of the vessel to the United States."⁴⁴ When he handed Polo the note upon arbitration, he carefully abstained from restating therein the various demands for reparation made in the quasi-ultimatum. Polo remarked upon this omission. The Secretary then jotted down informally the three demands "which the United States feels itself justified in expecting from Spain"—the restoration of the *Virginus* and its survivors, a salute to the American flag, and the signal punishment of the delinquent Spanish officials. He read this to Polo, who hastily agreed that it was inadvisable to repeat them; and Fish therefore gave him no copy of the paper.⁴⁵ He was trying to keep the situation as fluid as possible. He had requested the British Government to bring pressure upon Spain for a prompt compliance with the wishes of the United States, and Lord Granville had immediately sent word that it would do so.⁴⁶ The influence of the British, whose citizens had also been slain but whose flag was not involved, might be potent. A dozen guarded entries in the diary show that Fish was exerting every effort for peace.

But he was fearful of the malign influences surrounding Grant. Some men near the President were eager for war. On November 9 Bancroft Davis wrote from New York: ⁴⁷

My dear Governor:

A little incident took place on the train yesterday which it is just as well you should know. Among the passengers was General Dent, who started from Washington so drunk that he couldn't speak plainly, and left the train in Jersey City so tipsy that he staggered through the station to the boat. He took his drinks in the forward compartment of our car, and spent most of

⁴³ Diary, November 20, 1873; *Foreign Relations*, 1874, 958.

⁴⁴ Diary, November 21, 1873.

⁴⁵ Diary and Memorandum, November 22, 1873.

⁴⁶ Diary, November 21, 1873.

⁴⁷ Fish Papers.

the day there—but when we were near Baltimore he emerged and spied us. He came up to me and in quite a loud tone said, “What are you going to do with the *Virginus*?” I don’t attempt to give his pronunciation. Imagine Dick Taylor on the night he dined with you trying to say “National Intelligence” and you may fancy it. . . . I said in reply to him, “I don’t know, General; that is a matter for my superiors to decide,” and tried to turn the conversation. He came back to it, however, and said: “I understand you. You may pretend not to know—that’s all right for you—but I know all about it. I was in the next room at the last Cabinet meeting, and I heard all that was done. I hope we shall not stand this. I want to be sent down there with my battery. I should like nothing better than to pitch into Morro Castle.” This he said in a tone of voice loud enough to be heard by people about me. Fortunately nobody, probably, was able to comprehend his thick speech.

To which Fish replied: ⁴⁸

The little incident of eavesdropping explains some things. What a nasty crew to have about one! Drunken, stupid, lying, venal, brainless. Oh! that “Somebody” were rid of such surroundings!

But within a few days, despite the devoted efforts of himself and Admiral Polo, and despite the British pressure in Madrid, a rupture of relations seemed imminent. It had been understood on November 21 that Fish would give the Spanish Government until the 26th to take satisfactory action. But Madrid insisted upon delay; it asked the United States to wait “for our solution, which would be immediate on receipt of the facts in the case.” Fish replied that past experience with the Spanish Government did not warrant the United States “in entering into an agreement which practically amounts to an indefinite postponement.” Castelar’s Ministry again protested against haste, declaring that it would promise to make full reparation if Washington would only wait for proof that the vessel really had the right to carry the American flag. To this Fish quite properly replied that search for such proof was irrelevant. The documents of the vessel were in due form, our consul had given her the right to carry the American flag, and her capture was an insult to the United States whether the papers had been fraudently or correctly obtained.⁴⁹ And Grant now sternly intervened. At the Cabinet meeting on the 25th he gave orders that Sickles be instructed to leave Madrid unless a satisfactory answer came by the end

⁴⁸ Fish to Davis, Washington, November 14, 1873; Letterbooks.

⁴⁹ *Foreign Relations*, 1874, 983–985.

of the following day.⁵⁰ Fish sent this order. But he added in his message to Sickles: "Should a proposition be submitted to you tomorrow, you will refer it here and defer action until it be decided upon."⁵¹

The essential dispute between Spain and the United States had by this time been narrowed to a very small point indeed. Fish was insisting that reparation for the indignity to the American colors must precede the investigation into the ship's right to carry them; the Spanish Government was insisting that the investigation should come first. On November 26 a new proposal arrived from Madrid, and Sickles delayed his departure. In this note the Spanish Government tried to remove Fish's objection to an "indefinite postponement." It promised that if within a month—by December 25—the illegality of the *Virginius's* registry had not been proved, it would deliver the vessel and crew, furnish the required salute, and punish all officials concerned in the affair. This showed progress, but it still fell short of the mark. Receiving it on Thanksgiving Day, the 27th, Fish at once showed it to the President, who agreed that it could not be accepted. The Secretary declared that no Power had the right to molest on the high seas in time of peace a ship bearing American papers; and that Spain was virtually asking the United States to consent to her retention of the *Virginius* while she sought evidence to justify her act.

Fortunately, Polo was prepared with an alternative proposal, which had been sent him in a strictly confidential communication. Spain should give up the vessel and men at once; the United States should institute an inquiry into the *Virginius's* ownership, and if it found any violation of American laws, inflict proper punishment; and the salute to the American flag should be postponed until the end of the inquiry.⁵² Fish and Grant agreed that this plan was acceptable. Light had dawned at last.

Next day, November 28th, this last-minute action of Madrid and the cool firmness of Fish brought the whole negotiation to a satisfactory close. Some confusion was produced in the morning when Polo called with a telegram from his Government stating that the discussions had been re-transferred to Madrid. Fish exclaimed that this was preposterous; he believed that Sickles had already left his post, and even if he had not the telegram showed both vacillation and misunderstanding.

⁵⁰ Diary, November 25, 1873.

⁵¹ *Foreign Relations*, 1874, 958.

⁵² Cabinet Memorandum in *Foreign Relations*, 1874, 986.

Polo himself did not know what it meant, and they agreed to ignore it. Fish therefore went to the Cabinet in an unperturbed mood, and stood staunchly by his promise to Polo that the United States would defer the salute if ship and men were surrendered at once. He wrote in his diary: ⁵³

Cabinet. All present. I hand to the President a memorandum for his message on matters connected with this Department, except on relations with Spain and the affair of the *Virginus*, which I tell him cannot be completed as the subject is assuming different phases from day to day, and as our information comes by telegraph where frequently words and sentences are unintelligible and have to be guessed at, and which it would not do to communicate to Congress in this imperfect form. I read all the telegrams and memoranda respecting the *Virginus* received and sent since the last meeting. Mr. Creswell exhibits some impatience, but after discussion confesses that nothing more could be asked than has been, and that if the arrangement be made, as indicated in a conversation with Admiral Polo of yesterday, the country will not be justified in standing up on a question of punctilio as to the salute to the flag. He still indicated a desire for some further assurance of the punishment of those connected with the executions at Santiago de Cuba, but finally yielded, admitting that we claimed all that we justly could claim.

And immediately afterward the Secretary reaped the reward for his patience. His diary continues: ⁵⁴

Early in the evening (between six and seven) Admiral Polo called at my house and with much earnestness of manner expressed his satisfaction at being enabled to say that the question between the two governments respecting the *Virginus* would be settled according to our request, and that he had received a telegram of which he gives me a copy, as follows:

Telegram from Secretary of State, Madrid, to Spanish Minister, Washington. Received 28th November, 1873, 6:30 P. M.

"We can accept the restitution according to the terms of your telegram. Inform Mr. Fish at once and express the satisfaction with which I see happily terminated the negotiations between two nations who have been at peace during a century under different forms of government and could not forget that they now happily live under the same institutions."

Actually Sickles had never left Madrid. He had requested his passports on the 26th, but had agreed to a postponement of their delivery. Early on the 28th he had presented a little ultimatum of his own, telling the

⁵³ November 28, 1873.

⁵⁴ *Ibid.*

Foreign Minister that he would renew his request for passports in the afternoon unless the original American demands were accepted in full. But before he could do so he was informed of the new agreement in Washington. When he suggested to Fish that an unconditional acceptance might yet be obtained, he was summarily ordered to remain at his post and await instructions. Nor had the Spanish Government ever attempted to re-transfer the negotiations to Madrid. What it had done, as the situation became threatening, was to try to use the agencies of both capitals simultaneously to arrive at an immediate understanding. When the Foreign Minister had telegraphed Polo,⁵⁵ "Negotiations renewed in Madrid. Confer again with Mr. Fish on the basis of last official note. . . ." he had meant simply that he wished negotiations to be carried on in both Madrid and Washington at once. Polo had misunderstood him. But it was an instance of all's well that ends well.

IV

For after the fateful 28th, despite a few new delays and vexations, the *Virginus* affair was quickly brought to an end. Polo and Fish at once prepared a protocol, which Grant approved.⁵⁶ It provided that the Cuban officials should forthwith restore the *Virginus* and her surviving company; and that on December 25, 1873, Spain must salute the American flag unless it were proved that the ship had no right to fly it. In that event a salute would be waived, and the United States would accept a mere disclaimer of intended insult to its ensign. It was further agreed that Spain would investigate the conduct of the officials accused of infringing laws or treaty obligations, and inflict due punishment on all guilty persons. The United States, if the *Virginus* were not entitled to the American flag, would for its part take proceedings against the vessel and the owners. Other reciprocal "reclamations" were to be the subject of negotiation.

The news of this partial Spanish surrender filled the Volunteers in Cuba with fury. The loyalist press raged at both governments; the authorities in Santiago ordered all men over twenty-two enrolled as soldiers.⁵⁷ On December 4 Polo called at the State Department looking very sad and ill. Alarming news from Havana had kept him up all night. The Captain-General had cabled that the excitement was intense

⁵⁵ *Foreign Relations*, 1874, 987.

⁵⁶ Diary, November 29, 1873.

⁵⁷ *Foreign Relations*, 1874, 1082-1090.

and universal, that he feared he could not deliver the *Virginus* in Havana harbor without violence to the American ship sent to receive it, and that Polo should gain more time. Fish was adamant in resisting delay. When Polo asked if the vessel could not be sent to Spain or at least Puerto Rico for delivery, he objected; but he said that the United States would receive her at any small port in Cuba.⁵⁸ Next day the Spanish Government inquired, through Polo, whether the United States would not let the *Virginus* be delivered to a consul of another nation. Of course Fish again refused. The situation still held elements of danger, as President Grant's peremptory attitude at the Cabinet meeting that day showed. Fish writes:

I read all telegrams, dispatches, and memoranda respecting the *Virginus*. . . . The question is raised whether we might accept surrender in New York or some other American port. Robeson and Creswell think she should be delivered in Cuban waters. The President, however, is of opinion that the surrender in an American port would be sufficient, and repeats with some energy, that he would not allow a question of that nature to stand in the way of a friendly settlement. I read also a draft of a memorandum of terms as to time, place, and manner of carrying out the Protocol, including the ceremony of a salute to the flag. . . .

The President suggested that Admiral Polo should be told that, unless the matter was adjusted on Monday, the question would be referred to Congress for its decision. On my suggestion that in that case it would be necessary to make a recommendation to Congress, and inquiring what action he would recommend, he said reprisals, recognition of independence of Cuba, and a temporary suspension of the Neutrality Acts, so far as regarded Spain. I objected to reprisals . . . as a half-way measure of war, and advanced the opinion that if it became evident that war was to result, it would be desirable to bring about the first act of hostility from Spain.

On discussion it was decided not advisable to intimate any limited time to the Spanish Minister for positive decision, but to hold out the importance of an early decision, and make it as urgent as possible without committing the government.

Finally, on December 16, the *Virginus* was surrendered to the American navy at Bahia Honda, sixty miles west of Havana. Convoyed thither by the Spanish warship *Isabel la Catolica*, she was delivered, as Fish had insisted against Spanish objections, with her flag flying. On December 18 the survivors, most of whom had been confined in Morro Castle at Santiago, were given up to the American warship

⁵⁸ Diary, December 4, 1873.

Juniata at that port. The *Virginus*, long misused and in bad disrepair, foundered on her way to New York.⁵⁹

Meanwhile, government officers had begun a thorough inquiry into the ownership of the vessel. Testimony taken in New York was laid before Secretary Fish and Attorney-General Williams. When the latter reported that her papers had been fraudulently obtained and that she had no right to the American flag, the demand for a salute was dropped. Nevertheless, the Attorney-General held—of course correctly—that her capture by Spain on the high seas had been as illegal as if her registry were unsullied. Spain had to admit this illegality; and this involved admission also of the wrongfulness of the executions. The United States pressed for an indemnity, and in 1875 obtained \$80,000, which was distributed to the proper persons. Great Britain also, nineteen of her subjects having been slaughtered, demanded and received payment.

There remained the question of the punishment of General Burriel, and here Spanish procrastination appeared at its worst. The *London Times* justly said in 1876 that if the author of this crime had been an Englishman, "he would assuredly have been hanged; yet he is still at liberty, and we believe has some sort of command." The United States insistently urged that he be brought to trial. He was recalled from Cuba at the end of 1873; in the spring of 1874 he replied to a severe arraignment of his conduct published in the *Revue des Deux Mondes*; and he then retired to an obscure corner of Galicia, mortified, the American Minister reported, "by seeing that his government is humiliated on account of his acts."⁶⁰ But in spite of solemn promises in Madrid he was never tried, and in 1875 was actually promoted to the rank of major-general. When he died in 1877 his atrocious deed still had warm defenders in the Spanish press.

American sentiment instantly accepted the settlement of the *Virginus* affair as just. Had the event occurred twenty years earlier, when the Southern slave-barons were in power, Cuba would immediately have been conquered. But public sentiment was now—thanks largely to Fish—in such a state that efforts to whip up a belligerent emotion met no success. The principal mass-meeting during the crisis was that in New York on November 17, which filled Steinway Hall and Tammany Hall. The crowd cheered S. S. Cox's attack on the Adminis-

⁵⁹ Diary, December 17, 19, 1873.

⁶⁰ Chadwick, *op. cit.*, 351, 352.

tration for its hesitancy, and Governor Hendrick's telegram demanding armed intervention. But William M. Evarts made a conciliatory speech, while a letter from Sumner deprecated the "belligerent preparations of the last few days" and pointed out that the Spanish republic was struggling for existence.⁶¹ John Murray Forbes mailed Fish an editorial of the *Chicago Tribune* in favor of moderation, writing that he did not doubt that this was "the sober second thought of the country, nor that all sound men are looking to your steadiness to resist the senseless outcry for war."⁶² Gouverneur Kemble sent his assurances that in spite of the excitement, "we are not all mad, and therefore hope you will not be affected by it, or swerve from the neutral policy hitherto maintained . . . ;"⁶³ and Reverdy Johnson made a similar statement.

Fish had been certain that he could appeal to this sober conservatism among thoughtful Americans. When he wrote William Cullen Bryant of the *Evening Post* on November 17 that he thought the "horrible butchery" at Santiago marked the end of Spanish rule in the island, he added that he was still against violent steps. He had been much abused by Cuban partisans, but while determined to vindicate the honor of the republic, he would not be "carried away by temper or excitement," or swerve from the legal path. "The recognition of belligerency would have been the assertion of what does not exist; there is not at this day the evidence of any organized government of what is called the republic of Cuba; no seat of government, no legislature, no courts, no cities, no seaports, no means of communicating with other Powers; simply a brave, persistent defiance of Spanish rule, and a long-continued guerilla fighting. I have endeavored to persuade these Cuban gentlemen . . . that recognition of belligerency would not benefit them—at least Mr. Lemus admitted to me that he agreed with me in this view. Recognition would have contradicted the arguments, in fact the whole history of the diplomacy and of the position of this government. . . ." ⁶⁴ Bryant had replied sympathetically.⁶⁵

"In relation to the main subject of your letter," he wrote, "let me say that I fully comprehend the embarrassing position in which the butchery of the men found on board of the *Virginus* placed the Administration. A war with Spain would be a real disaster to the country,

⁶¹ *N. Y. Tribune*, November 18, 19; *Nation*, November 27, 1873.

⁶² Forbes to Fish, Chicago, November 17, 1873; Fish Papers.

⁶³ Kemble to Fish, Cold Spring, N. Y., November 17, 1873; Fish Papers.

⁶⁴ Letterbooks. ⁶⁵ Bryant to Fish, Roslyn, L. I., November 19, 1873; Fish Papers.



FISH VS. SICKLES

John Bull to Spain: "It's difficult Fishing here!"

(Nast in *Harper's Weekly*)

and we do not want Cuba, with her ignorant population of Negroes, mulattos, and *monteros* or white peasantry, alien to our own population in language, manners, habits, and modes of thinking. . . . I for my own part, and I am sure that I speak for great numbers of our people, have admired the wise deliberation with which the Administration has proceeded in this matter, and I am confident that the great mass of the people will ultimately approve its course. It will look well in history."

Congress fortunately did not meet until after the settlement of November 28th, and when it did the members showed a signally pacific temper. The only dispute then remaining was over the place of delivery for the *Virginus*. Chairman Cameron of the Foreign Relations Committee and Oliver P. Morton called at the State Department to express their desire for a friendly agreement upon this matter; and Morton even proposed introducing a Senate resolution to advise some mode of accommodation.⁶⁶ Garfield suggested to Bancroft Davis the same day that the subject be carried along until Congress broke up for the Christmas holidays, when it could better be adjusted. In fact, Congress proved so lamblike that Grant expressed amazement. With one of his rare glints of humor, he said he believed that if Spain sent a fleet to New York and bombarded the city, the Senate would pass a resolution of regret that she had been put to the trouble, and offer to pay her for the expense of the operation.⁶⁷ As we have said, the panic and industrial depression accounted for part of this meakness of temper; the friendliness toward Spain's republican government for still more.

V

And when peace was assured, a shower of congratulatory letters fell upon Fish. Edwards Pierrepont wrote that "this will more than compensate you for all your anxieties and give you an enduring eminence among great statesmen."⁶⁸ William M. Evarts sent warm felicitations. The veteran journalist Nathan Sargent declared: "It falls to the lot of but few men in office to accomplish two such gratifying victories as you have achieved—first in the settlement of our difficulties with England, and second, this Spanish imbroglio."⁶⁹ Oliver P. Morton pointed out

⁶⁶ Diary, December 5, 1873.

⁶⁷ Diary, December 7, 1873.

⁶⁸ Pierrepont to Fish, New York, November 29, 1873; Fish Papers.

⁶⁹ Evarts to Fish, New York, November 30, 1873; Sargent to Fish, Washington, November 30, 1873; Fish Papers.

that the situation had been peculiarly difficult. War would have been a calamity "and most likely unpopular;" demands too rigorous would have overthrown Castelar's republic; and yet vindication of the national honor was imperative. "Your success in this matter, and in the settlement of the *Alabama* Claims, are among the greatest achievements of American diplomacy." Wayne MacVeagh wrote that he recalled no other instance in diplomatic history of such large concessions being obtained upon so small a foundation without resort to arms. "I am sure the country will not soon forget the inestimable service you have rendered her. . . . Such victories of peace are 'no less renowned' and far more blessed than those of war."⁷⁰

The one American figure who emerged from the affair with discredit was General Sickles. His attitude toward Spain had undergone a sudden change. As late as September 10, 1873, he had written that Castelar "is one of the greatest men of the epoch," and been full of hope for the republic under his leadership. But by mid-November he thought Castelar a failure and his government done for. He blamed Fish and Grant for being "sentimental" over the republic, which had "utterly failed," so that it was "a mere question of days and hours, of opportunity and pretext, for the Dictatorial Reaction to assume power." Thus disillusioned, he had favored a peremptory course toward Spain from the outset. He was offended by the transfer of negotiations to Washington, and bitterly disappointed when Fish receded from the drastic demands of his quasi-ultimatum. Thirty-five years later, addressing a historian of the affair, he still condemned the Secretary's moderation.⁷¹ Feeling convinced that the moment had come to humiliate Spain or go to war with her, he had gravely misused his official powers. He had sent dispatches of a character to arouse the State Department, to misrepresent the Spanish position, and—if any leakage occurred—to excite American sentiment. For example, he had described Carvajal's reply to Fish's semi-ultimatum as a statement that the American demands were "without foundation, imperious, arbitrary, compulsory, and humiliating." This did great injustice to the dignified if controversial character of Carvajal's reply, which

⁷⁰ Morton to Fish, Washington, November 30; MacVeagh to Fish, Harrisburg, December 12, 1873; Fish Papers.

⁷¹ See Sickles to Chandler, September 10, 1873, December 10, 1873, for his views of the republic; Sickles Papers. For his statement thirty-five years later, see J. M. Callahan, *Cuba and International Relations*, 410.

had ended with a courteous request for delay and not a flat rejection. The most disagreeable and stubborn portion of the Spanish communications Sickles cabled; the explanations and conciliatory expressions he sent by mail. Castelar's two earnest expressions of regret over the executions, for example, did not reach Fish until November 28 and December 8. In proposing on November 19 to "close the legation forthwith" Sickles was trying to force the Secretary's hand.⁷²

Moreover, as Fish wrote later: "Several of Sickles' communications to me appeared somehow or other in the press in this country simultaneously with their reception at the Department. It really appeared as though he took the violence of the *Herald*, the *Sun*, and other kindred sheets as evidence of the popular sentiment."⁷³ When the final settlement was made, Sickles's position had become untenable. He resigned on December 6. Fish, with the final negotiations to carry through, then asked him to remain. But when a fortnight later he repeated his resignation, it was gladly accepted.⁷⁴

Fish welcomed the opportunity to send an abler man to Madrid. Knowing how soon the office-hunters and patronage-brokers would descend upon Grant, he hastened to propose a successor. "I venture to suggest to you the name of General Cushing," he wrote the President on December 22, 1873. "Among his many and varied accomplishments he is a thorough Spanish scholar, and I think that his appointment will give more confidence to the country, and will be more likely to result in satisfactory decisions, than that of any other man of whom I can think—probably than any other man in the country. He is in entire harmony with your own views and policy with regard to Cuba as well as with regard to other questions." On January 6, 1874, the nomination went to the Senate.

The new appointment was nearly ideal. Cushing, with all his faults, was intellectually one of the most distinguished men in the country. He had spent much time in Spain in early life and had published interesting reminiscences of his travels there.⁷⁵ He was widely read in Spanish literature, and on terms of intimacy with many Spanish leaders. For many years he had been an aggressive opponent of filibustering or intervention, and while Attorney-General under

⁷² Cf. Rhodes's condemnation of Sickles, *United States*, VII, 33–35.

⁷³ Fish to Washburne, February 12, 1874; Letterbooks.

⁷⁴ Grant to Fish, December 20, 1873, for Grant's assent; *Fish Papers*.

⁷⁵ *Reminiscences of Spain* (1833).

Pierce had acted energetically to repress such unlawful enterprises.

Three years earlier two great nations, boasting themselves in the forefront of civilization, had plunged into war because of a mere punctilio—the shadowy point of honor involved in the Ems telegram. It would have been easy to plunge the United States and Spain into war because of another punctilio—the shadowy point of honor involved in the affront offered to the flag of a vessel which had no right to fly it. Brave young Americans, brave young Castilians, would have bit at the gore-soaked earth in their last agonies because their national leaders lacked a sense of proportion. In a quarrel over a few words, a gesture, the drifting cannon-smoke of a salute, two nations which had each learned by recent experience how much war costs in blood, in money, in sorrow, above all in moral retrogression, would have leaped back into war. Whatever Spirits shake their heads over the woes and follies of this spinning bit of planetary dust would have lamented a new irony. But this unhappy result was averted. It was seldom that Hamilton Fish revealed his deeper feelings. Yet just before Christmas, the Day of Peace, he wrote his son in terms that were less restrained than usual. "I do not expect that the fugitive-from-justice editor of the *New York Sun*, or the wild Irishmen who run the *New York Herald*, or the Spaniard who edits *El Cronista*, will be satisfied," he declared, "but I have thought of the tens of thousands of wives who might have been made widows, and of the hundreds of thousands of children who might have been made orphans, in an *unnecessary* war undertaken for a dishonest vessel. . . . There *is* a national evil worse than war, but unless the national honor, or the national existence, require war (and when either is endangered or attacked, war becomes a necessity), then the nation should do all that it can to avoid the terrible evil. That is what I have endeavored to do."

LIKE most Americans, Fish had hoped that Grant's last four years would be comparatively uneventful. It has often been observed that no President has been happier in his second term than in his first, and for obvious reasons; the lustre of his initial popularity has been dimmed, his enemies have had time to join hands, and his special policies have lost their first impetus. Fish would have been content had Grant faced no problems graver than those of Monroe in his second Administration. But all such hopes were scattered by the financial tornado which descended upon the nation in September, 1873. For eight years the country had been more expansively prosperous than ever before. Railroads had shot out from the Mississippi, great new industries like steel and petroleum had arisen, mass-production had been organized in the shoe, clothing, meat-packing, and flour-milling industries, agriculture had covered the prairies, and cattle-ranching was driving the buffaloes from the plains. Mills were running at capacity, labor was fully employed, immigration was brisk, and wages were making much-needed gains. A multitude of industries were distributing their securities at high interest rates among a host of small investors never before able to buy. Until midsummer of 1873 few clouds had dimmed the horizon. Then in a twinkling the scene changed to gloom and anxiety, and Grant faced a vista of trouble.

Fish was at Garrison when on September 13 Kenyon Cox & Co. failed, and from that coign of vantage during the next few days watched an ominous decline in stocks.¹ On the 18th the banks began to call their temporary loans in large numbers, and at noon that day the country heard the stunning news that Jay Cooke & Co. had closed their doors. The night before this failure, Grant had been a guest at "Ogontz," Cooke's palatial house near Philadelphia. Though Cooke had received warning telegrams early on the 18th, his courtesy forbade him to breathe a word to the President, and Grant proceeded to Washington unaware that he had slept in a doomed house. Next day the New York bankers Fisk & Hatch failed. These announcements were precursors of a general crash, and at noon on September 20th the boiling Stock

¹ *Commercial & Financial Chronicle*, August, September, 1873.

Exchange in New York was closed until further notice. The worst panic since 1837 was on, and in its wake came a grim depression that was not to lift until 1878, long after Grant had left Washington.

What could the government do about the calamity?—that question instantly occurred to Fish as to others. But the Secretary of State knew better than others how unprepared the Administration was. At best no government can do much to shorten an industrial depression; the storm has to blow itself out, the cycle to complete itself. In the seventies, with *laissez faire* still unchallenged, the Administration was not expected to furnish even palliatives. Men asked merely that it hold the tiller of public finance steady; that it keep confidence in the value of the dollar and the stability of the Treasury unimpaired. Grant obviously knew nothing whatever about finance. Did the Secretary of the Treasury possess more knowledge, and was he a leader upon whom the nation could rely for sound judgment and courage? It was the country's misfortune that at this critical moment it had no Chase, no Hugh McCulloch, not even a Boutwell, in the Treasury, but a new and untried man: William A. Richardson, who had succeeded to the office only six months earlier. All the greater was the responsibility resting upon Grant.

I

That Richardson was the merest stopgap, named temporarily as a *pis aller*, is made clear by Fish's diary. A Harvard graduate, long a plodding, methodical lawyer in Lowell, Massachusetts, a probate judge there, a friend of Boutwell's, who appointed him Assistant Secretary of the Treasury in 1869, he was little known. He had first come into general notice when he performed Boutwell's duties for several months in 1872. He then reissued about \$5,000,000 of the \$44,000,000 in greenbacks wisely retired by Secretary McCulloch, ostensibly because the fall crop movements required more money, but really to affect the fall elections in the inflationist West. He had been rebuked by the Senate Finance Committee and the conservative press,² and was thereafter distrusted in financial circles. Early in 1873 it became evident that Boutwell was about to succeed Vice-President-elect Henry Wilson in the Senate. Various men were suggested for the Secretaryship. One was Henry Clews of New York, another A. J. Drexel of Philadelphia

² N. Y. Tribune, Nation, December, 1872.

Jay Cooke, alarmed by the latter suggestion, for Drexel & Childs were rival Philadelphia bankers, instructed his brother Henry to make every effort to defeat it. "It would be cruel to permit such a party to get into the Treasury," he wrote.³ In consequence, with Ben Butler and Henry Cooke joining hands in Richardson's support, rumors of his appointment—very alarming to most Eastern bankers and editors—had gained currency. Richardson meanwhile actively canvassed for the position.

Ordinarily the wiles by which a politician gains Cabinet office are no more interesting than edifying; but with the black cloud of panic lowering over the unconscious nation, Richardson's efforts and Grant's surrender to them have striking significance.⁴ Fish's diary relates how on Sunday evening, March 16, 1873, Richardson had rung his doorbell.

He said that Grant would decide upon the Secretaryship within a few days; that Fish would be consulted, and would be able to determine his fate; and that he wished to make a personal plea. His position was very trying. He declared that Grant had spoken of appointing him, "that the public generally expected it, that the whole press of the country with the exception of the New York press favored it, that a great portion of the Senate favored it and had spoken to him in relation to it, that within a few days the President had told Senator Morrill of Maine that he would appoint him, had given Mr. Boutwell to understand the same thing, and that if now disappointed it would be utter disgrace and ruin to him, and to his family who had been led to count upon it." He showed deep emotion. "I have taken the odium of the overissue of greenbacks, a party measure of which you know the real history," he told Fish. As a matter of fact, Fish had known nothing about it until a few days earlier, and said so. "Well, it was insisted upon as a party measure, and I took all the censure and odium of it," continued Richardson; "now I think I am entitled to recognition and consideration for my services." He added that after holding the office a short time he could resign and go at once to Paris as head of the house of Monroe & Co., and would therefore be content with an *ad interim* appointment. All this irritated Fish, who records:

I told him that I knew of no such thing as an *ad interim* appointment; that some months since, early in the session, the President in speaking with

³ Oberholtzer, *Jay Cooke*, II, 364-365.

⁴ See Storey and Emerson, *E. Rockwood Hoar*, 243, for Richardson's lack of reputation. Someone asked Hoar if he were known in Massachusetts. "No," said Hoar, "his reputation is strictly national."

me [said] . . . that he thought of appointing him (Richardson) *ad interim*, and, in reply to a remark of mine that there was no such thing as an *ad interim* appointment, the President had said he meant a temporary appointment, from which I inferred (not telling him what in fact the President had said, that he would not think of him for a permanent appointment) that the President meant until the end of the then existing session of Congress from the time of Boutwell's election. He (Richardson) then said . . . that if appointed he would resign at the end of one day or at any time the President might name.

I told him that one day last week . . . the President had expressed his wish to recognize his services by giving him an *ad interim* or temporary appointment, [and] that I had felt it my duty to say to the President that whoever was to be the permanent Secretary ought to have the confirmation of the Senate and not [be] left during this long recess without the moral support of such confirmation, and subject to all the intrigues of politicians and of financial cliques which would weaken his power and make his position uncomfortable and feeble. . . . That we could not disguise to ourselves that the Republican Party had suffered during the past winter from the allegations of fraud in the Kansas election, the extravagance of appropriations, and especially the Congressional back-pay, all of which placed the party on the defensive, and care should be taken to avoid any further subjects of attack. He (Richardson) replied that he feared my views would defeat him, but that he would be quite content to resign before the adjournment of the Senate to allow a permanent appointment to be made. . . .

Later that evening Boutwell had called. He remarked that Richardson was competent because of his familiarity with the business of the office and the personnel of the department, and in especial because of his close connection with the work of loan-conversion. He did not believe him the best man for the place, "but at the present time his would be the best appointment that could be made as a temporary one." Fish still raised objections. He said that he knew from conversations with Senators and Representatives who had asked him to prevent the nomination that it would be unpopular. Moreover, he feared that Richardson was unable to keep his own counsel. "Yes," admitted Boutwell, "it is true that precisely there Richardson fails, but I am at a loss to know who else can be named." Obviously Fish was hostile. But Grant showed the very next day that he had no hesitations. Fish again records:

March 17, 1873 (Monday).—Cabinet . . . The President stated that he had requested our attendance in order to send to the Senate all nominations, and that he had concluded to name Judge Richardson as Secretary of the

Treasury to hold the office temporarily, thinking that he was quite competent to the discharge of the duties, especially with reference to the issuing of the new loan and its negotiation, with the details of which he supposed him to be more familiar than with any person excepting Governor Boutwell and possibly even more familiar than he. That his nomination would indicate to the country an adherence to the financial policy which had been established and would thereby quiet many expectations and efforts toward a change in that policy; that he desired him to hold the office until the negotiations for the loan should be completed, which he thought might occupy some months and possibly until the next session of Congress.

Richardson had been promptly confirmed. The country thus faced its grave new financial problems under a Secretary who was widely distrusted, who seemed unable to keep secrets, and who had claimed his position as the reward for executing a discreditable party manipulation of the currency.

As Fish at once realized, the panic was not merely a trumpet announcing the onset of depression, but was also a drum-beat summoning the inflationist and contractionist forces of the land to a desperate battle. Their chronic post-war skirmishing had ended some years earlier in a precarious truce. After the war, when Secretary McCulloch had begun retiring greenbacks, the statutory limit of the greenback circulation was \$400,000,000. He withdrew \$44,000,000 before he was halted in 1868 by an act of Congress. That left \$356,000,000, which Boutwell and Richardson had temporarily increased by small amounts. Eastern contractionists had talked of the dangers of inflation and a speculative currency; Western inflationists had denounced the retirement of the greenbacks as the Sangrado practise of bleeding a patient to death.⁵ Moderates like John Sherman had taken a median path. What course would Grant now choose? Hitherto he had approved of Boutwell's conservative policies and emphasis on debt-reduction; but he was a Westerner himself, and readily accessible to inflationists like Oliver P. Morton and John A. Logan. The country waited anxiously. During the panic of 1857 the government had taken a passive rôle. But now it was in direct control of the volume of currency, able to contract or expand it instantly. A wild clamor arose from men eager to influence the Administration.

⁵ Foulke, *Morton*, II, 319 ff.

II

The President and Secretary Richardson, accompanied by Reverdy Johnson, reached New York on September 21 to consult with business men and bankers at the Fifth Avenue Hotel. Many industrialists and politicians implored them to relieve the money-market by releasing a large part of the \$44,000,000 in retired greenbacks, still held in the Treasury under the name of a "reserve." Others objected vehemently to the emission of a dollar. Secretary Richardson, to the relief of conservatives, shortly announced that he would reissue no greenbacks; instead, he merely began buying government five-twenty bonds with the surplus currency in order to relieve the general tightness.⁶ The banks had quickly done their part by issuing large quantities of clearing-house certificates usable as money—an expedient which carried banking-houses through the first "runs" by panicky depositors, and provided ample funds for business transactions. By October 1 the net addition to the currency by clearing-house certificates, use of government money, and other expedients was estimated at \$50,000,000.⁷ Experienced financiers also pointed to the indications of a coming plethora of money. As in all depressions, excess funds soon began flowing into savings banks and other depositories, where a deficiency of confidence kept them immobilized.

Grant meanwhile conferred with various men, including that great financial authority Mr. Tom Murphy. His position was unhappily less clear than Richardson's. He soon wrote a letter to the New York banker H. B. Claflin which implied his approval of a common violation of the banking laws. National banks were required to keep a reserve equal to a fourth of their note-circulation and deposits, and were forbidden to make new loans if the reserve fell short. But nearly all had been granting loans in excess of the legal allowance, and Grant indicated his acquiescence in the practice. In still other ways he showed his sympathy with the demand for an expansion of currency and credit.

Fish, half-ill at Garrison, knew of the clamorous demands upon Richardson and wrote encouragingly on September 24th: "By all means I trust you will not issue more greenbacks. Such is the desire of the soundest thinking people." By return mail he had a pathetic letter.⁸

⁶ Rhodes, *United States*, VII, 43-47.

⁷ *Nation*, October 2, 1873.

⁸ Richardson to Fish, Washington, September 25, 1874; Fish Papers.

"I can hardly express to you the regret which I feel at your not having been here through this severe panic, during which I have been overwhelmed with telegrams day and night, making all kind of wild and absurd propositions. I have resisted the pressure to the fullest extent in my power." Richardson added that "I know you would have been a great support to me in stemming the torrent"; that "I have stood here alone most of the time and have borne the brunt of the battle"; and that he hoped that Fish would soon return to Washington, for "We shall be asked to do the wrong thing again and again." Fish wrote once more on September 26 applauding the press statement that he would issue no more greenbacks and urging him to stand firm: ⁹

I am in the receipt of your letter of yesterday. I sympathize warmly with you in the cares pressing upon you and trust that you will firmly resist any expansion of the currency. We are going through what was as inevitable as the succession of night and day. The losses thus far sustained cannot now be repaired. Any expansion would only bolster up some now tottering concerns, and would encourage new speculations, and the trouble would be deferred for a very short time to return with increased severity. It appears to me that we are now passing through a tremendously severe ordeal, at the end of which are to be seen brighter skies and a more wholesome condition than we have experienced for some years.

The country has large crops of grain and of cotton; bread must continue to be cheap, while wages must fall and the excess of our crops will be bought abroad at fair prices.

The pressure of the speculating classes and the anxieties and honest fears of many in legitimate business will continue to urge expansion and to suggest expedients which may not be authorized by law. But I assure you that nothing the President has ever done seems, so far as I hear from persons of all classes, to give more satisfaction than the decision which he and you reached on Sunday last. I hear from everyone, except those interested in speculation in stocks and bonds, one universal approval of the "heroic action" of the President and Secretary of the Treasury and but one expression of hope that you will adhere to the policy of non-expansion. It may be a severe remedy, but severe cases require severe remedies.

I expect to be in Washington on Tuesday morning. . . . I agree with Henry Wilson in urging you to stand like a rock. Hoping to see you Tuesday, and in the meantime ready to do what I can to aid and sustain your hand, I am . . .

Fish was back in Washington for the first Cabinet meeting after the panic on September 30, and lent energetic support to a conservative

⁹ Letterbooks.

policy. The discussion showed that two members, Belknap of Iowa and Delano of Ohio, were for inflationist measures, and that Grant was still hesitant. All agreed that reforms in banking practice were much needed, and Fish tried to divert attention to them. He urged that New York banks be estopped from one general and quite illegal course. They had been accustomed to assist stock-brokers by certifying large checks early in the day, with the understanding that the necessary money or securities would be brought in by three o'clock; in other words, they had been making heavy unsecured loans for hazardous speculations.¹⁰ On Fish's mention of this fact Grant remarked with an air of sudden illumination: "Ah, I suppose that is what Murphy called my attention to, and tried to explain to me, but I didn't understand it at the time. My opinion is that it ought to be stopped." Both the President and Richardson believed that the country was now close to the resumption of specie payments. Actually resumption was more than five years distant; gold had fallen at the first onset of the panic, but immediately rose again.¹¹ No decision was made on the greenback policy, and Richardson's negative decision temporarily stood.

After the meeting Richardson drew Fish aside to tell him of the President's uncertain position. He confided that "there had been great difficulty in reaching a solution . . . ; that there had been some adverse and powerful influences very near to the President, urging a very wide expansion and general inflation." The previous Sunday, September 28, Grant had almost surrendered. "They were in conference for many hours, and at one time he feared that all was gone, but [Attorney-General] Williams had stood up manfully, and with great difficulty had restrained the President to that which appeared in his letter to Claflin." Secretary Delano had besieged the White House, and his influence had been especially pernicious. Full of Western doctrines, he had been excited and violent in urging inflationist schemes. Orville E. Babcock had given him all too effective support. "Who is behind Babcock?" asked Fish, suspiciously. "I suppose it to be Porter," replied Richardson.¹² But this was probably an unjust aspersion upon Horace Porter, who had left his White House position the previous year to join the Pullman Company.¹³

On October 2 Fish learned that \$2,000,000 in greenbacks had been

¹⁰ *Nation*, October 2, 1873.

¹¹ *Diary*, September 30, 1874.

¹² *Ibid.*

¹³ Elsie Porter Mende, *Horace Porter*, 126 ff.

reissued after all. He also learned that Secretaries Delano and Richardson were on the very verge of a breach. They had glared at each other across the Cabinet table. That day they exchanged hot words on the White House stairs. "Sir," said Delano in an offensive manner, "you must remember there is a West." To which Richardson retorted: "I know it, sir, but I remember there is also a country!"¹⁴

Grant for some weeks seemed if anything to favor the moderate inflationists. Early in October he gave an interview to the Associated Press. He startled the conservatives by declaring that if Congress were in session he would ask it to legislate for the reissue of the whole \$44,000,000 "reserve," bringing the greenback currency back to \$400,000,000. He believed that the country was still fundamentally prosperous, and spoke of the panic as a "passing event" which might yet prove salutary; for a return to specie payments was impossible without a shrinkage of values, and this shrinkage had now taken place. He wondered why silver, now worth as much in currency as in bullion, was not "pouring out." When it did begin to flow, he believed that the nation could absorb \$200,000,000 to \$300,000,000 of it, thus expanding our currency and simultaneously benefiting the Western mine-owners. He spoke also of asking Congress to pass a free banking law, with a repeal of the old requirement of a reserve for the protection of depositors; and said that he would probably recommend a postal savings bank to pay four per cent on all money sent to it. The interview was not merely inflationary in tone, but painfully crude in some of its ideas; yet it breathed an extraordinary self-confidence in dealing with these difficult subjects.¹⁵

During November, Fish, Richardson, and other conservatives of the Cabinet labored to keep ill-considered demands for currency-expansion out of the President's annual message. Early that month Grant had a long talk with President John E. Williams of the Metropolitan Bank of New York. Williams understood him to urge the banks to help relieve the stringency, and to say that the government would aid them "by issuing three or four millions a week of the reserve." When the banker published this statement Richardson denied that any such issue was contemplated, and Grant had to say that Williams had misunderstood him. But the President had doubtless used these very words, for he was presenting even more reckless ideas to the Cabinet

¹⁴ Diary, October 3, 1873.

¹⁵ *Nation*, October 16, 1873.

The meeting on November 7 left Fish dejected. Richardson, he records, read a proposed report to Congress upon the recent panic and the course of the government. It embodied "some suggestions toward the prohibition of national banks from paying interest on deposits, and as to the right of issuing the reserve of \$44,000,000 currency and the expediency of government's having the power to use such reserve in case of necessity." This was bad enough, for it showed that Richardson was vacillating. But worse followed:¹⁶

"Discussion arose as to obtaining what is called an elasticity in the currency, and the President stated that in his opinion it would be advisable to authorize the issue of convertible bonds bearing 3.65 per cent interest. Mr. Creswell inquired whether that would not amount to an expansion of the currency. On explanation of the *modus operandi* it was thought that it would, and that it would simply be throwing upon government, in times of redundancy of currency, the payment of interest on a surplus currency which the banks now paid. On consideration this project was abandoned."

In espousing this 3.65 convertible-bond scheme Grant was adopting a favorite plan of the greenbackers! It assumed a protean variety of forms, the scheme shortly offered in Congress by William E. Kelley of Pennsylvania being typical of many. He proposed that the government sell at least \$50,000,000 worth of bonds bearing 3.65 per cent interest, and issue \$50,000,000 in greenbacks as a reserve for their redemption; using the \$50,000,000 received for the bonds in buying up older bond issues—that is, returning it at once to circulation. The result would be to add \$50,000,000 to the greenback currency.¹⁷ Peter Cooper wished to emit indefinite quantities of greenbacks and maintain their credit by making them convertible into 3.65 per cent bonds at the will of the holder. Clearly, Grant's financial ignorance was profound and his inability to conceal the fact explained his hasty retreat from his 3.65 per cent proposal.

While the President's message in December, 1873, happily contained no concrete proposal for new greenback issues, it distinctly leaned toward currency expansion.¹⁸ To be sure, Grant warned the nation that "undue inflation" would be folly, for even if it gave temporary relief it would lead to price inflation and eventual hardship. What was

¹⁶ Diary, November 7, 1873.

¹⁷ *Nation*, January 15, 1874.

¹⁸ Richardson, *Messages and Papers*, VII, 243-248.

needed was "elasticity," and he suggested several modes of gaining it. During the four preceding years, he argued, the currency had been diminished in measurable ways by about \$63,000,000; and comparatively speaking, there had been a much larger contraction, for population, commerce, and manufacturing had greatly expanded. His statement that he hoped "the best method may be arrived at to secure such an elasticity of the currency as will keep employed all the industries of the country and prevent such an inflation as will put off indefinitely the resumption of specie payments," showed that he really wanted a moderate inflation, or reflation. Most commentators instantly placed that interpretation upon the message. By this time, indeed, Richardson had reissued \$8,000,000 of the \$44,000,000 greenback "reserve."

III

In Congressional debate the inflationists and conservatives grappled like rival condottiere.¹⁹ Senator Ferry of Michigan wished to bring the irredeemable greenback currency up to \$800,000,000 by substituting governmental legal-tender notes for the national banknotes then in circulation; to release the banks from all restrictions; and to float an issue of 3.65 bonds. Wilson of Indiana proposed a government fund of \$100,000,000 to be lent in times of stringency to all applicants who could offer Federal bonds for security. Senators Wright of Iowa, Carpenter of Wisconsin, Logan of Illinois, and Morton of Indiana gave enthusiastic support to general demands for inflation. The opposition was led by Carl Schurz, John Sherman, and Morrill of Vermont, who pointed out the dangers of a huge irredeemable currency.²⁰ Meanwhile, a quarrel had developed between Secretary Richardson and the House Ways and Means Committee over the best method of replenishing the Treasury. It was nearly empty, and the national debt had increased rapidly during the past two months. Richardson declared for an immediate levy of new internal revenue taxes, but the House, fearing the political consequences, clamored for economy as the true road out. While the quarrel persisted, Richardson, to meet expenses, kept on reissuing greenbacks until early in 1874 the new emissions totalled \$26,000,000!

The more conservative of the two houses was the Senate, where John

¹⁹ Foulke, *Morton*, II, 323 ff.; John Sherman, *Recollections*, I.

²⁰ W. B. Parker, *Justin Smith Morrill*, 227-229.

Sherman held a strategic position as chairman of the Finance Committee. None of the ill-considered schemes which Congressmen like Kelley were pushing could pass the upper chamber. Led by Sherman, the Finance Committee shortly reported a creditable bill.²¹ It provided that the existing greenback circulation, now \$382,000,000, should not be exceeded; that national banks might be organized in all States and Territories until each had as much banknote circulation in proportion to its population and wealth as New York State; that for every \$1,000,000 issued by such banks \$750,000 in greenbacks should be withdrawn from circulation until the total was reduced to \$300,000,000; and that the national banks must keep a fourth of the coin which they received in interest on government bonds as part of their reserve. This measure offered a considerable expansion of the banknote currency, and yet by its gradual contraction of the greenbacks would protect the Treasury. But the inflationists sternly rejected it. The House immediately organized a counter-offensive, and on March 23 voted by 171 to 70 a bill for increasing the greenback circulation to \$400,000,000.²²

This, said the inflationists, represented their minimum terms.

In both chambers a majority quickly rallied to the \$400,000,000 clause. After many amendments, the pending legislation was reduced to simple form. It provided in twenty lines that the maximum amount of greenback currency should be \$400,000,000, and that \$46,000,000 should be added to the circulation of the national bank notes, raising their total also to \$400,000,000. The country would then have a circulation of \$800,000,000 in legal tender notes and national bank notes combined. Theoretically this would be an increase of about \$100,000,000. Passing House and Senate by wide margins, the bill went to the President on April 14, 1874.

Grant was generally expected to approve the bill. What did all his recent inflationist statements, what did his encouragement of Richardson's reissue of \$26,000,000 in greenbacks mean, if he would not sign it? His annual message had fairly committed the Administration to the view that \$400,000,000 was the proper legal-tender level. As for the proposed increase in the national banknote circulation, that would after all depend upon the ability of people who wanted the notes to buy United States bonds for deposit; and a good market for the bonds was so desirable that Grant might well hesitate to interfere with the

²¹ *Nation*, March 19, March 26, 1874.

²² *Nation*, March 26, 1874.

process. It soon appeared, moreover, that the measure was less inflationist than had been supposed. Comptroller Knox pointed out that a clause which required national banks to keep three fourths of their reserves on hand would cause an immediate contraction equal or almost equal to all the new circulation authorized.²³ This made it possible to defend the bill as a rather mild measure. Actually it remained a bad bill. Legalizing a circulation-increase of about \$100,000,000, it would unsettle values and raise a speculative spirit. If it failed of an inflationary effect the cry for "more money" would soon be raised again. And it violated all the promises of the party. The Republican platform of 1868, Grant's utterances in 1869-70, had looked toward an early resumption of specie payments, for which all wise citizens hoped. This bill looked away from it and toward a cheaper paper currency than before, toward cheaper money instead of the world standard. There are times, as in 1933, when a grave deflationary crisis demands a reduction in the unit of value. But the United States in 1874 was not pinned to gold; deflation had not yet moved far; and what the Carpenter-Morton-Ferry group proposed was an opening wedge for drastic inflation. Closely examined, the bill was indefensible.

If Grant believed in principles, here was one worth fighting for if it took all summer; but did he? At first the answer seemed no. Both he and Richardson spoke approvingly of the bill. At a Cabinet meeting just before it passed, April 10, 1874, Richardson indeed valiantly defended it.²⁴ "It will not have an inflationary effect," he argued. "It merely legalizes the issue of the full \$44,000,000 reserve which the Administration claims to be legally issuable anyway. It is true that the provision for more national bank currency seems to contemplate expansion, but this is illusory. The requirement that the banks must not deposit more than a quarter of their reserves in New York or other redeeming depositories, with other features, will operate practically in the direction of contraction." Grant accepted this view. The day after the bill passed he chatted with Fish, who sternly opposed it:²⁵

He says that he had examined the bill as printed in the papers with some care; that the main objection is the animus or intent of the bill, which in itself is comparatively harmless, and is rather one of contraction than of expansion. Unfortunately, it has been passed by almost a geographical division, and that a veto would tend to array one section of the country against

²³ *Nation*, April 16, 1874.

²⁴ *Diary*, April 10, 1874.

²⁵ *Diary*, April 15, 1874.

the other. His present idea is not to be in a hurry to sign the bill, and not to sign it without assigning his reasons. His present intention is to prepare a message reviewing the bill, and pointing out such conservative features as it may possess, and forestalling any measure of expansion which may be in contemplation.

IV

At this moment, with inflation apparently imminent, another great scandal broke—the Sanborn Contract scandal. It left Richardson heavily besmirched, and with his resignation unescapable, the dreadful danger loomed up that he would be replaced by the inflationist Delano of Ohio. Truly, troubles never came singly while Grant was President!

A few words will suffice for the scandal itself. John D. Sanborn was a Massachusetts politician, an old agent of Ben Butler's in Southern speculations during the war, and now connected with his machine.²⁶ At Butler's suggestion, Richardson had made contracts with him to collect internal revenue taxes evaded by railroads, distillers, legatees, and others. Sanborn and the Treasury, under the moiety-system, were to divide all collections equally. This system, a fertile source of corruption, had already been condemned by public opinion and discarded by the Administration, but a special exception was inserted by Butler in an appropriation bill. Early in 1874 the House Ways and Means Committee investigated Sanborn's work. They learned that Treasury officials had virtually warned collectors to neglect their duty so that Sanborn might have more money to collect, and that most of the \$427,000 which he had recovered would have come to the government in due course anyway. He had gotten much of it by simply sending demands to 592 railroads listed in *Appleton's Railway Guide*, together with a false oath that he had received information of tax-evasion, and thus extorting money from many of them! Sanborn testified that of his share, \$213,500, he had paid \$156,000 for "expenses" to men whom he would not name. A faint suspicion arose that Butler had received part of it!

The whole affair looked like a conspiracy, connived at by Boutwell and Richardson, for defrauding the Treasury and the taxpayers simultaneously for the benefit of a few men.²⁷ It was more than suspected that the contract had been a *quid pro quo* for Butler's aid in the Senate in raising Richardson to the coveted Secretaryship. The way in which

²⁶ Bowers, *The Tragic Era*, 422, 423.

²⁷ Schouler, *United States*, VII, 239; Hesseltine, *Grant*; *Nation*, April 2, 1874.

shrewd men regarded it is illustrated by a letter which Fish received late in March from Thurlow Weed: ²⁸

The Administration is falling into disrepute. You have done well and wisely in resisting all and averting many mischiefs, but without more elevation and a higher tone in the head of the Administration, one of its arms, however strong, cannot save it.

Sanborn was with Butler at Fortress Monroe and New Orleans with "tobacco and cotton permits." Tweed, Connolly, and Sweeny rolled into one would not make a more rapacious man than Butler, who is now working destruction to the Republican Party as surely as he ruined the Democracy at Charleston in 1860.

Early in April Butler, squint-eyed, alert, and impudent, swaggered into Fish's office with Representative John M. S. Williams of Massachusetts.²⁹ The latter had a detective-friend, one Donahue, whom he wished sent to Canada to spy upon smugglers. "A sharp fellow, this Donahue," said Butler, approvingly. "One might need a saint to find out what saints are doing, but that information is not worth seeking for. We want to find out what the other class is after, and a saint can't do that but Donahue can." Fish declined the man's services.

When Williams had departed, Butler leaned forward confidentially. He first said that Williams had special reasons for wishing Donahue sent to Canada. Donahue knew a few facts about him, and Butler, winking in his cross-eyed fashion, added: "You know, Credit Mobilier matters; and money on which no income returns were made." Butler then turned to the Sanborn Contract scandal. He scoffed at the investigation. "It's all a put-up job for the purpose of getting Delano into the Treasury," he said. "Fellows like Foster of Ohio and Beck of Tennessee have been engineering it. The committee at first intended to make a severe report. But they have found that they had better not. Old Fernando Wood was especially eager to attack my friend Sanborn, but he has thought better of it." And with another wink he went on: "One of Sanborn's friends called on Fernando. He suggested that perhaps it would be just as well if he kept his hands off; that there are parties who hold evidence that Wood made upwards of \$60,000 on various deals and has failed to pay a cent of income tax. You can bet that Wood dropped the Sanborn affair immediately." Butler's face lost its amused leer and became set and determined. "I can tell you this,

²⁸ Weed to Fish, New York, March 25, 1874; Fish Papers.

²⁹ Diary, April 10, 1874.

Mr. Fish," he concluded. "Grant ought not to remove Richardson while this persecution is going on, and Richardson ought not to resign."

"Mr. Butler," said Fish severely, "I think that the clamor which has been raised against Richardson, just or unjust, has ended his usefulness as Secretary."

Butler grunted. "A satisfactory report will be made in a few days," he rejoined. "Its general purport will be that contracts may have been improvidently made, and that the law authorizing them may have been improvident, but that it was Boutwell who made them, and nobody supposed at the time that much if any of the unpaid taxes could be collected. Richardson will be relieved from censure, and he can then do as he pleases about resigning." And he swaggered out of the office.

Knowing Grant thoroughly, Butler was aware of his stubborn aversion to dismissing any officer "under fire." Whatever the reasons for this—his instinct for military solidarity, the loyalty of a long-friendless man for his supporters, his disinclination to admit a mistaken appointment—it was a salient trait. Circumstances seldom altered it, and it led him to defend men like Babcock, Belknap, and Richardson long after he should have repudiated them. Of course, it was grossly inaccurate to say that Richardson was merely under fire. He had been tried and found wanting. He was a negligent and faithless official, who had lent himself to the operations of a gang of designing men engaged in mulcting private business and the Treasury. But his friends set up the usual cry that he had been misunderstood and imposed upon, and must not be abandoned to a pack of Administration enemies; and this was enough for Grant. On April 15, Fish wrote that he had just talked with the President:

The question of a possible change in the Cabinet arising, he says that Richardson is shortly to leave the Cabinet, and would probably have presented his resignation before this time but for the pending investigation in Congress; that he had spent last evening with Messrs. Dawes and Boutwell, in which Dawes [chairman of the Ways and Means Committee prosecuting the Sanborn investigation] said that there was no evidence affecting the character or honesty or charging corruption upon the officers of the Treasury in connection with these claims, although there had been much looseness and improvidence; and that they had come to the conclusion that Mr. Richardson had better withhold his resignation until the close of the investigation.

In other words, Grant had reached precisely the conclusion Ben Butler wished him to reach. Worst of all, the President told Fish that he thought of making Delano the new head of the Treasury. Fish remonstrated vigorously; he cited various objections and expressed doubt even of Delano's honesty. "At the close of the interview," the diary succinctly records, Grant "decided that it would not be advisable to make such an appointment." But he gave Fish new dismay when, saying that he would select no New Englander, he suggested two Pennsylvanians.³⁰ They were Joseph Patterson of Philadelphia, a nonentity, and Don Cameron, son of the ruling boss of the State—a man later distinguished for his ardor in the free silver cause.

V

On April 17 the Cabinet again discussed the currency bill. Grant was still inclined to approve it, and was encouraged by Secretaries Richardson, Delano, and Belknap, while Fish and Creswell favored disapproval. The President that very day had received a New York delegation with a petition signed by 2,500 leading commercial firms asking him to veto the bill. When he met them, Butler, Ferry, Logan, and Carpenter somehow managed to be present also. Grant had received the delegation coldly; he had intimated to them that what was good for New York was not good for the rest of the country, and had spoken sharply of the impertinence of a previous Boston delegation which had dared to condemn the reissue of greenbacks as of doubtful legality. The New Yorkers had retired in a chastened mood. Yet the imposing New York petition had made an impression on Grant. In the course of the Cabinet discussion Richardson and Delano assured the President that the bill would tend to contraction; they predicted that if it became law the quarrel between East and West on the currency question would disappear; and they declared that he could settle the question once and for all by this "compromise." Fish and Creswell argued at length that the measure was clearly inflationary, that it broke the party's word, and that it would merely whet an appetite for more paper money.

Fish was deeply aroused, and when the meeting ended felt that he

³⁰ Diary, April 15, 1874.

had shaken the President. Grant kept the subject under advisement. But Fish was greatly encouraged by the evidence that he was now genuinely hesitant. The Secretary's feelings were so strongly enlisted that he thought of resigning if Grant signed the bill. He wrote John M. Francis of Troy³¹ that while it might do no practical harm, it was "vicious in intent," was "a departure from the pledges which Congress, the President, and the Republican Party have given," and furnished "an entering wedge for any amount of 'wildcat' and 'red-dog' irredeemable rag-and-lamp-black legislation." In great suspense he went to the Cabinet meeting of April 21.

Grant at once took up the currency bill,³² announcing curtly that he wished to dispose of it that same day. He said that he had given it the most exhaustive consideration; that desiring to approve it, he had first written a message embodying the best arguments he could devise for signing it; that the more he wrote, the more convinced he had become that the bill was bad; that having completed the message, he had decided that it was quite fallacious; and that he had therefore discarded it and written another vetoing the bill. He picked up the paper and began reading it. Fish felt a special exultation when the President, after mentioning that some authorities thought the bill deflationary, reproduced the very argument he and Creswell had used at the previous meeting. Grant wrote that the measure had been passed to furnish a generous increase of circulation; and that if it failed to do so, its friends, particularly outside Congress, "would clamor for such inflation as would give the expected relief."

The Cabinet inflationists sat stunned as Grant announced this *volte-face*, and as Fish hastened to express his gratification. Then they roused themselves to battle. "Delano," he writes in his diary,³³ "fought it from the jump. Williams decidedly objected. Robeson expressed the wish that the President had reached a different conclusion; Belknap thought it would array the entire West in opposition." Richardson, who had no convictions, "acquiescently approved." Creswell alone aligned himself firmly with Grant and Fish. The inflationist members, perceiving that they could make no stand on principle, retreated to considerations of expediency, and the following dialogue ensued:

Delano (after various suggestions in opposition).—"Mr. President, you ought to remember that the use of the veto power is not popular except

³¹ Washington, April 18, 1874; Letterbooks.

³² Diary, April 21, 1874.

³³ *Ibid.*

when exercised on the ground of the unconstitutionality of a bill."

Fish.—"Whether that is so or not, the good faith of the nation is above the Constitution."

Grant.—"That is true, and I shall stand by my veto. I wish to send it in today and have done with it."

Robeson.—"It seems to me, Mr. President, that it is always wise to lay a paper aside after writing it to think it over. And like Secretary Delano, I wish to raise the question of the political effect of a veto. The Congressional elections are just ahead."

Delano, Williams, and Belknap (more or less in chorus).—"A veto will certainly injure the party and the Administration politically."

Fish.—"I dissent utterly from that view. The honest sentiment of the country, irrespective of section, will sustain it. On the other hand, if you sign the bill the Democratic Party throughout the land will rally to their old Jacksonian doctrine of hard money, and your action will give the Democrats the whole capital now in the Republican Party."

Grant.—"I dare say the first result will be a storm of denunciation. But I am confident that the final judgment of the country will approve my veto."

To three agencies we may attribute the President's action: to the impressive New York protest, to Fish's eloquent arguments, and to Grant's own common sense. The decision, while falling like a thunderbolt upon inflationist leaders, was received with enthusiasm by most Eastern and many Western newspapers. It was all the more refreshing because ten days earlier not one citizen in a hundred had doubted that Grant would sign. "You can hardly believe," Edwards Pierrepont wrote Fish,³⁴ "what a perilous load is lifted from the hearts of sober men in this city. No braver battle did the President ever fight and no victory did he ever gain which history will record as more illustrious. I know you helped it—God bless you." John M. Francis wrote that he had been in Chicago when the veto was received there.³⁵ "It caused almost general rejoicing among the business men of that city. Chicago is sound upon the currency question, Logan to the contrary notwithstanding." The opposition announced that they would issue a reply, but they thought better of this. As they read the message, they saw that it closed the door not temporarily but permanently. For Grant did not rest his veto upon special defects which might be remedied by amendments; he rested it on the ground that he had always opposed an irredeemable paper currency and that the party had repeatedly de-

³⁴ Pierrepont to Fish, New York, April 23, 1874; Fish Papers.

³⁵ Francis to Fish, Troy, N. Y., May 4, 1874; Fish Papers.

clared for a speedy return to specie payments. Fish wrote General Schuyler: ³⁶

You are quite right in placing me in the most ultra position in favour of the views and the policy on which the President rests the withholding of his approval from the late currency bill. I had no hesitation in the expression of my views, but you must give the President the undivided credit for what he did. Never did a man more conscientiously reach his conclusions than he did in the matter of that bill, and this in the face of the very strongest and most persistent influences brought to bear upon him; and you can scarce imagine the extent and the variety of the sources which were drained to influence him; and now that he has decided, *many* who were *very urgent* to persuade him to an opposite course from that which he took, are either silent or professedly in approbation. He has a wonderful amount of good sense, and when left alone is very apt to follow it, and to "fight it out on that line." He did so in this recent matter, and astounded some who thought they had captured him.

VI

This victory for a cautious financial policy rendered the appointment of an able and conservative Secretary of the Treasury more important than ever. Ben Butler fortunately proved a false prophet as to the action of the Ways and Means Committee upon Richardson. In June it made a scathing report. The Secretary of the Treasury was accused of violating the law, and of assisting Sanborn and his partners in "marauding upon the public treasury." Through Representative Charles Foster of Ohio, the committee presented a resolution censuring Richardson and two departmental subordinates. It also offered a resolution declaring that since the Sanborn Contracts had resulted in a fraudulent abstraction of government money, the government should institute legal proceedings to recover it.³⁷ This made Richardson's position impossible. He resigned forthwith—and Grant characteristically appointed him to the Court of Claims! The judicial bench was obviously the place for an officer found guilty of gross misconduct. But who should succeed him?

Robeson urged Elihu Washburne for the office, and Fish, with some misgivings lest Washburne neglect the laborious details of the Treasury, approved the suggestion. The President requested him to sound Washburne out, and the Secretary cabled: ³⁸ "In my judgment you are the

³⁶ Fish to General L. Schuyler, April 25, 1874; Letterbooks.

³⁷ *Nation*, May 28, 1874.

³⁸ Fish to Washburne, May 5, 1874; State Department MSS, Diplomatic Drafts, France.

man who combines personal, political, and geographical qualities beyond any other and who will meet the exigency." William E. Chandler also wrote Washburne urging him to accept.³⁹ "Up to the time of the President's veto," he pleaded, "we were drifting helplessly on a lee shore; and were tolerably sure to lose the next House, and after that possibly, probably, the Presidential election. Now the President's veto has changed all that. With a vigorous administration of the Treasury by a Western hard money man we can save the House. . . . Another thing, if you don't accept no man can tell whom the President will select." But Washburne declined.

Meanwhile Delano continued his eager wirepulling, and showed increasing petulance as the place was not offered him. Calling at Fish's house early on May 1, 1874, for advice, he frankly unbosomed himself: ⁴⁰

He says that last year, when Richardson was appointed Secretary of the Treasury or about that time, Carpenter and other Senators had told him the President had said that Richardson was to remain until July only, then he should appoint Delano; the same thing had since been repeatedly told him, and it had also got into the newspapers; that now there seemed a doubt, and should any other appointment be made he should have to regard it as a want of confidence and an intimation on the part of the President that he wished him to resign his present position. He wished my advice as to whether he should go to the President and speak with him on the subject.

Fish of course declined to offer any advice, but inquired whether the President himself had ever given Delano any assurances, or authorized any of the intimations made to him. Delano confessed that Grant had not. Fish then told him that he had no right to regard the expressions of others as indicating any fixed intention on the part of the President. Grant might or might not have said what was reported; he might have changed his mind since on grounds of public policy. "At any rate," concluded Fish, "your decided opposition to the policy of the President's veto would unquestionably now embarrass him in carrying out any such intention." Delano thereupon gave the measure of his honesty. "He protested that he was not an inflationist but a contractionist, and opposed the veto because he thought the bill was in

³⁹ Chandler to Washburne, Washington, May 4, 1874; Washburne Papers, Vol. 90.

⁴⁰ Diary, May 1, 1874.

the direction of contraction.”⁴¹

On June 1 the President ended all suspense by nominating Benjamin H. Bristow of Kentucky to the Treasury Department. No better choice could have been made. Bristow was a man of forty-two; a graduate of Jefferson College in Pennsylvania, a veteran of Fort Donelson and Shiloh, and a distinguished lawyer, who had made his mark as Federal Attorney during the Ku Klux troubles, and had been the first Solicitor-General of the United States, 1870–72. Though in no sense an expert upon finance, he was shrewd, experienced, and conscientious; he possessed a good practical knowledge of business and commerce, and he had proved himself an excellent administrator. Fish was greatly pleased, and had occasion at the first Cabinet meeting which Bristow attended to note how well he was grappling with the problems of his office, and how quickly he was instituting healthful changes.⁴² He was masterful, energetic, and ambitious. By this time the depression was felt in every department of national life; but men breathed more freely when they reflected that the President would stand like a rock against runaway inflation, and that the Treasury was in thoroughly safe hands. Grant had done something to redeem his record. In after years men were to remember the veto of the inflation measure (followed as it was in 1875 by a Specie Resumption Act) as standing next to the Treaty of Washington among the Administration's achievements.

⁴¹ *Ibid.*

⁴² Diary, June 5, 1874.

PRESIDENT GRANT'S decision to veto the inflation bill came in the nick of time to prevent the resignation of Fish. Increasingly uneasy, the Secretary had intended in any event to retire before the winter of 1874-75, and probably soon after the summer adjournment of Congress.¹ Convinced that the bill was vicious and would lead the Administration into a Serbonian bog of financial malpractise, he was determined to leave as soon as Grant signed it. His own public reputation would thus remain uncompromised. But when on April 21, 1874, Grant took his gratifying stand against the bill, Fish instantly decided to postpone his departure. Circumstances demanded it. A majority of the Cabinet were arrayed against the President; Richardson, naturally irresolute, and his reputation now shattered, could give him no support; it was important for Fish to remain temporarily at his side. "But," Fish wrote, "my expectation of withdrawing . . . during the coming summer or autumn remains unchanged."²

Yet the next few months were to place before him a perplexing question of duty, and finally to lead him to a different conclusion. Duty—that word his family, his church, the aristocratic code of old New York, had always emphasized. He felt for it all the devotion enshrined in the poetry of the race: "stern daughter of the voice of God"; "not once or twice, in our great island story, the path of duty was the way to glory." Well, where did duty lie? In quitting a leaderless Administration, irresponsible in spirit, permeated by corruption, apparently certain of disaster? Inclination certainly pointed that way; he had done his great work in the State Department, he loved peace, and he could retire with unspotted honor. Or did duty lie in staying with the ill-managed vessel, lending a hand with the tiller, pointing out false lights, doing what he could to prevent disaster from becoming utter wreck? That course meant heavy labor, heartbreaking anxiety, and no thanks. It meant risk of his own good name, for when an Administration falls into disgrace men do not easily distinguish between its members. Yet Fish remembered Rockwood Hoar's words in the gloomy summer of 1870—"Hold fast; you are the bulwark now standing between the

¹ Postscript to Diary, April 21, 1874.

² Diary, April 21, 1874.

country and its destruction." As his sense of the perils environing Grant increased, his decision became more and more certain.

The Secretary was increasingly disturbed in 1873-74 by Grant's carelessness and laxity. He was disturbed by the President's imperiousness and self-sufficiency, unquestionably enhanced by his reelection. But what alarmed him most of all was the growing evidence of a government within a government, or rather of a backstairs group at the White House which more and more undertook to control the Executive Office itself.

I

Grant's negligent, casual ways, and his lack of vigilance, were often amazing. Fish's diary for the autumn of 1873 supplies a striking instance. On September 5, the Secretary had written the President at Long Branch that the British expected to pay the Geneva Award on the 9th, and asked if he had any instructions. On the 9th Fish received a reply (dated the 8th) saying that although the letter had been on Grant's table since the 6th he had not opened it. Grant offered no instructions. But to Fish's amazement, he reopened the question of Cuba. He wrote in characteristic style:

There is only one matter that I think about which I would like to consult about at this time, that is the recognition of belligerency to the Cuban Patriots. It looks to me that the republic of Spain is by no means assured. Should a monarchy prevail money in the shape of a new loan would be a necessity to the new government. All the European Powers and the European money-lenders would be interested in sustaining a monarchy but would not lend without security. What else has Spain left as collateral but Cuba? That once pledged, nations furnishing money would become interested in supporting their debtor. I am very well aware however that these are not proper reasons to assert for recognizing belligerency but they are proper ones to consider as bearing on the subject.

In great alarm, Fish wrote that he would disengage himself from imperative business at the State Department and arrive in Long Branch for a conference, if convenient, early the following week. This letter was mailed the 9th. On the evening of the 14th, no word having come, he left Washington, still worried. On reaching Long Branch next day he found Grant insouciantly entering a train with General Sheridan for Pittsburgh. A few minutes more and the Secretary of State would

have had his journey for nothing. The President said that he supposed Fish's letter had been on his table for several days (it had certainly been there four!) but that he had not opened it until that morning. "I make this note," Fish writes in his diary, "thinking how little the affairs of the government trouble the President. Had my letter gone to his secretaries they would doubtless have laid it before him, but . . . the secretaries as I understand do not open letters addressed in my handwriting; they go to the President's table with other private and confidential correspondence, and lie there until sometime when there is nothing else to do, and then the matter on the table is taken up and all disposed of at once. Fortunately no great harm has resulted . . . but it is strange that letters from one of his constitutional advisers should be allowed to lie upon the President's table unopened day after day. Would it have been the same whatever might have been the subject of the letter?"

As for Grant's self-sufficiency, his imperious method of handling public business, that kept cropping out in a variety of ways. One unhappy event of June, 1874, was the sudden resignation of Postmaster-General Creswell. Grant called the Cabinet together to announce the fact, giving no explanation, and Creswell sat silent.³ Fish believed the other Cabinet members as genuinely grieved as himself. Not only had Creswell proved one of the most enterprising Postmasters-General in the long history of his office; he was a reformer, who had attacked the franking system as the "mother of frauds," and urged a postal telegraph against the opposition of the Western Union monopoly. His breadth and cultivation would be sorely missed. When soon afterward Ben Butler called, Fish remarked that the resignation had been a general surprise. "Yes," said Butler drily, "and to none more so than to Creswell himself."⁴ He had been dismissed by Grant! And Butler had of course been given inside information by Babcock.

Eager to forestall an unfit selection, Fish proposed Eugene Hale of Maine, a brilliant young Congressman, son-in-law of Zachariah Chandler and close friend of Blaine. Grant accepted the suggestion, but Hale declined on the ground of ill-health. Fish also proposed Wayne MacVeagh of Pennsylvania, who had made an able Minister to Turkey, and who was Simon Cameron's son-in-law—but this suggestion met less favor. After some hesitation over two Southern Republicans, Grant

³ Diary, June 24, 1874.

⁴ Diary, July 22, 1874.

finally pitched upon a third man proposed by Fish—Marshall Jewell. He was an admirable choice. A leather manufacturer who had gone into politics, he had made a businesslike governor of Connecticut, and for a year a highly efficient Minister to Russia. He had done much in that country, for example, to assure complete patent-protection to American inventions. He possessed high executive talent, was politically liberal, and showed a business man's impatience with mere politicians. Spoilsmen were soon grumbling that he ran the postal department "like a factory."⁵ He was an even better man than Creswell—the Cabinet had after all lost nothing.

But Jewell, like Bristow, soon began meeting criticism and opposition in quarters close to the President. Bristow was already showing remarkable zeal in the Treasury, where the dirt and débris of years rose in clouds before his unresting broom. He made some queer discoveries. For example, he imparted to the Cabinet on July 1 the shocking fact that Boutwell's and Richardson's private secretary, one Bartlett, had been a detective employed by Pinkerton's Agency! "This," he commented, "will explain many of the leaks and failures of justice."⁶ No clearance of supernumeraries had occurred in his department since the war. Taking advantage of reduced appropriations, Bristow set about a general house-cleaning and dismissed between 700 and 800 persons. The step required courage, for a chorus of protests arose; but it made the Treasury a businesslike branch of the government instead of an almshouse for women, old soldiers, and political favorites.⁷ In letting out the bonded warehouse business, Bristow required a guarantee that successful applicants should personally superintend it, thus making impossible the sub-letting which had been one of the scandals in Leet & Stocking days.

When Bristow took office the six per cent bonds were being converted into fives. By a bold innovation, he offered the residue of the conversion loan—\$179,000,000, or any part of it—to bankers in general without the intervention of a syndicate. This had a healthy look, and spoke well for the purity of his policy. The new method proved a general success. Before the close of July scattered bids for about \$10,000,000 had been accepted, while Rothschilds in London and J. W. Seligman in New York had jointly taken \$45,000,000, with an option

⁵ *Dictionary of American Biography*. ⁶ *Diary*, July 1, 1874. ⁷ *Nation*, July 9, 1874.

on the remainder at any time during the next six months.⁸ But the Secretary's policy was insidiously attacked. "Great efforts," he told Fish, "have been made to induce me not to adopt this course, but to accept certain proposals made by individuals instead." He added, significantly: "I can't afford to do such things, and I was sorry that the pressure was brought to bear in the quarter whence it came."⁹ Fish had little difficulty in surmising the quarter he meant. Boutwell had set up a machinery of private contracts with syndicates, and the men who had profited from it had gone running to him, to Ben Butler, and above all to the secretaries' room in the White House.

Having finally taken the right course in financial matters, Grant maintained it with courage—sometimes more courage than discretion. All spring he stood by the principle of his veto, refusing to let Congressional pressure budge him an inch. A new bill had been hurriedly written to replace the one he had killed. Leaving the greenback currency at \$382,000,000, it contained provisions upon national banks which were considered inflationary by some and contractionist by others.¹⁰ On the whole, however, it was sound; its tendency—what Grant called its *animus*—was as good as that of the previous bill had been bad. Grant, with Fish and Bristow standing beside him, insisted on a number of amendments to improve it. For since the "sound money" men had rallied about him, the President now took bold ground against inflation and in favor of an early resumption of specie payments.

At some points he went further than his party dared. At the beginning of June, saying that he wished to avoid misrepresentation, he embodied his opinions on the bill in a letter to Senator Sherman and Representative Maynard of the conference committee.¹¹ He called for strict economy, judicious taxation, repeal of the legal tender acts, abolition of small notes, and early specie resumption. Though Fish approved these views, he and other Cabinet members counselled Grant not to send it, but to convert it into a private memorandum to be shown to Sherman and others. This was done. The result of even this mild step was a revolt among Congressmen. Fish writes:

Sunday, June 7, 1874.—I received a note from Speaker Blaine asking to see me; not being well, I requested him to come to my house, which he did.

⁸ *Nation*, July 30, 1874.

¹⁰ *Nation*, July 30, 1874.

⁹ *Diary*, July 3, 1874.

¹¹ *Diary*, June 1, 1874.

He speaks of the President's memorandum on finance, exhibiting considerable feeling, saying that if carried out it would be ruinous to the Republican party and the country; he said he should be inclined to adopt the words of Mr. Webster and say that when his leader turned a sharp corner into a dark lane and changed the light which he had been accustomed to follow, that it could not be expected that they should keep company longer.

I told him that without adopting all the details of the President's plan, I believed the principles underlying it were the only safeguards of the country. We then considered the bill, he defending most of the provisions to which I took exception, admitting that personally he would not object to some of them. Our interview was interrupted by Mrs. Fish's illness, and I subsequently received from him a copy of the bill, and later in the evening he called again, and I submitted to him certain proposed amendments all of which he thought were improvements to the bill, and expressed the opinion that they might be assented to by the Committee, and he would endeavor to urge their acceptance.

Still difficult to restrain, the President at the Cabinet meeting of June 9, reiterating "the firmest adherence to the principles of his veto," induced most of the members to approve of drastic proposals—one being for the gradual reduction of the outstanding greenbacks to \$300,000,000. Next day Senators Jones and Stewart of Nevada came to Fish in great alarm. They reported that the President had demanded that an entirely new currency bill be drawn up embodying the views of his memorandum. Fish agreed that this was quite inadvisable. On the 11th he went to the White House, at their request, and labored to convince Grant of the impolicy of throwing a wholly new measure into the arena; "in which view," he writes, "he finally concurs."¹²

II

But while giving Grant credit for firmness on the currency, Fish was irritated by his pliability in other matters, some of them closely affecting the State Department. Throughout the spring of 1874 the Secretary felt a growing concern over the Cuban question. He had gone to New York on business early in April.¹³ While there he learned that ex-Senator S. C. Pomeroy of Kansas, nicknamed "Old Subsidy" and at this moment accused of offering an \$8,000 bribe in the Kansas legislature to gain reelection, had been negotiating with the Cuban Junta. Though Pomeroy's reputation was decidedly fly-blown, he held a certain influence with the raffish element of Congress. He had as-

¹² Diary, June 9, 10, 1874.

¹³ Diary, April 7, 1874.

sured Sr. Aldama, leader of the Junta, that he could obtain the recognition of either Cuban independence or belligerency for \$30,000 in cash, with a guarantee of \$150,000 more in cash and \$150,000 in bonds on the issuance of the proclamation.¹⁴ He gave Aldama a list of men close to the President whose opinions he pretended to know; he claimed to speak with Grant's approval; and in support of this claim, pointed to the fact that Grant's brother Orvil was staying with him in New York.

All this, reported to Fish, had deeply disturbed him. So had a series of articles which immediately began appearing in the Washington *National Republican*, edited by William J. Murtagh, who was so close to Babcock and the Dents that the paper was spoken of as the Administration organ—close also to Boss Shepherd's District of Columbia Ring. These articles attacked the State Department policy and argued for a bolder line. One on April 13 abused Fish personally, and demanded recognition of Cuban independence by Congress. "The present moment is opportune," it declared, "and it would be a grave blunder to suffer it to escape." That evening Murtagh, a slippery-looking old Irishman, called at the Secretary's house to apologize. He professed to be extremely mortified and angry. The previous night, he explained, he and the chief editor had both been absent. James F. Casey of New Orleans, the President's brother-in-law, had come into the office and caused the publication of the article.

So while Frederick T. Dent eavesdropped next the Cabinet room, Casey wrote attacks on the State Department! Fish made his indignation so plain that the abashed Murtagh finally promised to insert a notice next day stating that the article had appeared unintentionally, and was not to be regarded as expressing the opinion of the Administration or the *National Republican*!¹⁵ But no such notice ever appeared.

At the first opportunity Fish asked Grant if he had seen the offensive article. He said he had not—a surprising statement for so inveterate a newspaper reader. Fish concluded that his secretaries had hidden the issue. Grant added that a recognition of belligerency would be absurd, but that he "was not sure that recognition of independence might not soon be necessary."¹⁶ The Secretary could have explained for the

¹⁴ Fish to Bancroft Davis, New York, April 3, 1874; Letterbooks.

¹⁵ Diary, April 13, 14, 1874. Grant had appointed Murtagh a Police Commissioner of the district of Columbia; Grant Letterbooks, March 13, 1869. He was thus a link between Shepherd and Babcock.

¹⁶ Diary, April 14, 1874.

hundredth time why it would be highly improper, but he contented himself with repeating what he had heard about Pomeroy. Grant's response was that if Sr. Aldama or anybody else trusted Pomeroy, or supposed he had any power, they were likely to find themselves out of pocket and grievously mistaken. He evinced no moral indignation. Within the next few days other suspicious events occurred. Senator Carpenter introduced a resolution for the recognition of Cuban independence.¹⁷ Rumors of the use of Cuban bonds in Washington again became rife; and men were named in the affair whom Fish considered open, as he wrote in his diary, to the "improper influence of pecuniary advantage."¹⁸ The tracks of Pomeroy, of his housemate Orvil Grant, of Murtagh, of Casey, and of Carpenter all led back toward one common starting-point.

The subject died away in May. But early in June Representative Orth, driving with Fish one evening, remarked that "a considerable movement" was again manifest in the House upon Cuba.¹⁹ Casey, the President's brother-in-law, had spoken to him repeatedly. He had intimated that the President would like to see him about Cuba. It should be said that Godlove S. Orth was a man of influence. An oldtime Whig, he had entered Congress from Indiana in 1863. He took a keen interest in foreign affairs, labored for years to induce European governments to recognize the right of expatriation, and in 1868 had framed legislation for reorganizing the diplomatic and consular service. He had supported Dominican annexation, but thus far had opposed the recognition of the Cuban rebels. Anything he said was to be taken seriously. And by this time Fish knew that the sooner the bull were taken by the horns the better. Next day he went to the White House for one of those interviews which would seem incredible if we did not have the record in black and white—an interview in which Grant appeared like a contrite schoolboy:²⁰

I mention what was told me by Orth relative to Casey and Cuba, and ask whether Casey was authorized to speak on the subject. He emphatically denied any authority to Mr. Casey to speak on the subject. I inquired whether he had authorized any expression of opinion or had said or done anything, and referred to the articles in the *Republican*; indicating one as having been very offensive inasmuch as it assailed measures which he himself had authorized and directed, particularly with relation to the gunboats. He had not seen

¹⁷ *Congressional Globe*.

¹⁹ Diary, June 9, 1874.

¹⁸ Diary, April 21, 1874.

²⁰ Diary, June 10, 1874.

that article—said that the only person with whom he had conversed was Carpenter, who had spoken to him very warmly in favour of some expression of sympathy in favour of the Cubans, and that he (the President) said to him (Carpenter) that “he might go ahead,” though not for recognition of belligerency, but for some expression of sympathy, or even a recognition of independence.

Even a recognition of independence! Carpenter, flighty, impetuous, was notoriously lacking in judgment. He had become famous the previous year by actually making a defence of the Salary Grab and Credit Mobilier. He knew nothing of foreign affairs. Yet Grant had notified this irresponsible Wisconsin Senator of the most important change possible in our foreign policy without consulting the Secretary of State! Fish continues: ²¹

I told him that a recognition of independence would really be a stultification of ourselves and a falsification of facts. I went at length into the question and into our present relations with Spain, telling him that I thought it doubtful whether under his instructions General Cushing would not find himself obliged to quit Madrid before Congress convenes in the autumn; that we will put ourselves wrong before the world and in history by recognizing either belligerency or independence; that if Spain could not act up to her promises the moral effect of the breaking off of relations by the United States would be far more serviceable to the Cubans than the indirect and cowardly mode of declaring that to be a fact which is not.

He concurs and says he will send word to Carpenter to let the thing drop.

The Secretary was further irritated by Grant's attitude toward the moiety system—the system by which informers were paid a percentage of taxes they helped collect. Congress, after the Sanborn Contract scandal, passed a bill abolishing this wretched device. Fish had long detested the system. He had publicly denounced it as one “under which great oppression has been visited upon individuals and great fortunes have been made by some favored few.” It bred nests of spies and blackmailers; it tempted every clerk, bookkeeper, and confidential agent to betray his employer if guilty, and to falsify transactions if innocent; it was corrupting in the extreme.²² Yet when the bill reached Grant in June, 1874, he astounded the Cabinet by saying that he would not sign it; that it had been drawn in the interests of smugglers and would cost the country twenty millions a year in revenue. He was obviously re-

²¹ *Ibid.*

²² Fish to Weed, Washington, March 14, 1874; Letterbooks.

peating what Ben Butler, or somebody like Ben Butler, had told him.

Fish whispered across the Cabinet table to Bristow, in whose department the matter fell. And Bristow bravely took issue with Grant. He said that in his opinion it would not do to refuse assent to a bill which had passed the House unanimously and the Senate with only three dissenting votes, and which the commercial community and the press had enthusiastically endorsed. He recalled that Grant himself had once recommended the abolition of moieties! Fish vigorously seconded these statements. Grant said nothing, but was obviously shaken. "In connection with this," wrote Fish in his diary, "it is to be noted that Tom Murphy, Rufus Ingalls, Frank Howe, and others have been for days hanging about endeavoring to prevent the signing and passage of the bill."

III

But worse was to come. At the beginning of July Fish heard of a new backstairs intrigue which placed a special humiliation upon the much-suffering State Department. "General Babcock," he wrote in his diary,²³ "is anxious to have General Meigs appointed to some diplomatic position in order to make a vacancy in the quartermaster-generalship for Rufus Ingalls." Ingalls was the West Point classmate of Grant's who accompanied Babcock on the famous trip to Santo Domingo. As chief quartermaster in New York, he wished a better post. The Russian legation was now vacant, and on July 7 Fish had a characteristically casual letter from the President:²⁴

I understand that Gen. M. C. Meigs, Qr. Mr. General, is a candidate for diplomatic honors now that he is eligible for retirement. He is a highly educated man and I think would be well qualified for such service. You may therefore if you please tender him the mission to Russia. I know that the Sec. of War is anxious that he should be relieved from his present duties, for which his early education never fitted him. Graduating in the Engineer Corps he has never served with troops and knows therefore nothing of their wants.

Grant's statements about Montgomery C. Meigs's unfitness were astounding. A West Point graduate who had made a brilliant early reputation, including the supervision of the building of the Capitol wings and dome in 1853-59, he had served as quartermaster-general

²³ Diary, July 3, 1874,

²⁴ Grant to Fish, Long Branch, July 7, 1874; Fish Papers.

of all the Northern forces from beginning to end of the Civil War. He had spent more than \$1,500,000,000 without a breath of scandal. He had performed a stupendous task with the completest success. Stanton wrote later that he had been absolutely indispensable, and Seward testified that without his services the national cause must have been "lost or deeply imperilled."²⁵ And now Grant wished to displace the man who had clothed and supplied all the Union armies on the ground that he "knew nothing of the needs" of soldiers! It was certain he knew nothing of diplomacy. Filled with indignation by this transparent intrigue of Babcock and Belknap to find a fat office for their friend Ingalls, Fish wrote two letters. One, to Belknap, was curt and icily polite. He pointed out that Federal statutes made it impossible for a military officer, whether active or retired, to accept a civil post without resigning his commission. He also protested against the transfer to the State Department—"that refuge for all for whom no place can be found elsewhere"—of a purely military figure. "Between ourselves I am pretty well tired of taking charge of the incurables and confirmed invalids." The other letter was to the President, and was phrased with unusual candor:²⁶

With the highest estimate of General Meigs's character, ability, and attainments, I think that if the special education he has received, and the experience of so many years in the quartermaster-general's department have not fitted him for the duties of his present office, it is not to be expected, at his time of life, that he will be able to fit himself for the very delicate and important duties of a diplomatic position near one of the first Powers of the world—duties requiring great practical adaptability, as well as previous study and experience in public laws, and a familiarity with international politics and policy. Mr. Disraeli has lately stated in Parliament that an international crisis was nearer at hand than is generally supposed. Russia and the Eastern question will figure in such a crisis.

Pardon me, my dear General, should I seem a little sensitive in respect to having one who is held to be unfit to discharge the duties of a Bureau in the War Department as competent to the most important diplomatic duties under the Department of State. This, however, is only half serious.

But there is an objection, to which I allude with some hesitancy, but under a firm impression of its real seriousness.

The interests of the country and the continued ascendancy of the Republican Party, in my judgment, are identical, and we cannot shut our eyes to the fact that the hold of the latter upon public sentiment and sympathy is not as

²⁵ *Dictionary of American Biography*.

²⁶ Fish to Grant, Garrison, July 13, 1874.

strong as it was. There is a deep and growing restlessness and jealousy of military influence and ascendancy, and this jealousy is being fostered and worked upon by the Democratic press, and will be turned to the disadvantage of the Republican Party in every possible way.

General Meigs's appointment to a diplomatic mission will not be recognized as a concession to any peculiar eminence, or to any prominence as a statesman, or politician, or a diplomatist, in neither of which capacities is he known. It will be very far from satisfying the politicians of the Republican Party, and will be attributed, erroneously no doubt but none the less certainly, to another consideration.

These objections are so strong to my mind that I feel it a duty to suggest them. If, however, in view of what appear to me very strong reasons for not making the appointment, you still desire the tender of the position to be made, I will make it on my return to Washington whither I expect to go within a few days—so soon as I can arrange some matters of business here.

This outspoken letter had no effect whatever upon Grant. But fortunately the Federal law requiring an army officer to resign his commission upon taking civil office did have its effect upon General Meigs. He was not willing to exchange a permanent military position for a temporary diplomatic berth. Belknap and Babcock wrote letters to explain that the statute did not mean what it said, but Fish quickly demolished their flimsy readings of the law.²⁷ Grant invited poor Meigs by telegraph to Long Branch. After he had resisted all blandishments for two days, he was requested to take further time to consider. It would have been disrespectful to refuse. But after deliberation, he still said no. On September 7 Fish was able to write Bancroft Davis: "The little scheme for putting somebody into the quartermaster-general's place . . . has failed." But he confessed that he did not know what would happen next, and hinted that another man now exercised more power over diplomatic appointments than himself. The post at St. Petersburg was still open. "I have suggested James Russell Lowell, but know not whether 'Bab' will allow it."

In the coterie which exerted so potent a backstairs influence over Grant, Babcock was now dominant, Louis Dent having died suddenly in the spring of 1874; and having assisted to eject Creswell from the Cabinet, he was actually ready to try conclusions with Fish. It is difficult to place any other construction upon his behavior. In August Bancroft Davis, who had been rewarded for his work at Geneva by appointment as Minister to Germany, wrote Fish from London. He had

²⁷ Fish to Babcock, July 13, 1874; Letterbooks.

talked there with J. Russell Jones, Minister to Belgium.²⁸ He opened the conversation, wrote Davis, "by asking when Jay was to resign. I replied that Jay had told me he might possibly remain till spring. He asked me if I had heard that he, Jones, was to have the place. I said that I had not. He expressed great surprise at that, and added that he had received a letter from Babcock telling him that Jay was to resign, and asking if it would be agreeable to him to have the place. He said that the letter was written in such a way as to lead him to suppose that it was done by direction of the President, and he added that he understood that you had been consulted about it and favored his appointment. He is in the field for it now, and will be pressed whenever the vacancy occurs, unless it is created for the purpose of filling it with Orth or someone else." Davis concluded: "Babcock seems to be running things into the ground."

That was Fish's conviction. When he read this letter the thread of his patience snapped. He had become thoroughly tired of Babcock's interference with all the affairs of government; when the man presumed to decide upon ministerial transfers without a word to the State Department, it was too much. Fish resolved to bring the issue to a decision as soon as the President returned to Washington.

His determination was fortified by another talk with Murtagh, owner of the *National Republican*, whom he called to the State Department on September 9. The Secretary began by saying that the Department would no longer send the *National Republican* to legations abroad. He did not wish to influence Murtagh's course, but of late the *National Republican* had frequently opposed his policy upon Cuba, and had criticized and misrepresented him, and he could not mail to our Ministers a journal which differed from the State Department on an important policy.²⁹

Murtagh was at once all explanations. He said that "in every article which had appeared in reference to Cuba, he had been countenanced by the Administration and had its previous approval." He repeated with emphasis "that he had published nothing about Cuba that had not the previous sanction of 'the Administration.'" The Secretary asked how that could be, when the Administration indicated its foreign policy only through the President's messages and the State Department. But

²⁸ Davis to Fish, London, August 14, 1874; Fish Papers.

²⁹ Diary, September 9, 1874.

Murtagh persisted in saying that the "Administration" had inspired or approved all that he printed. Evidently he meant the White House. His asseverations finally provoked Fish to some plain speaking.

"I deny," writes the Secretary, "that he had the authority of the 'Administration'; that I probably know who communicated with him; in the course of the conversation I named Babcock and Carpenter (with other names intentionally mentioned, but not because of any suspicion of connection on their part with the publication). He makes no allusion to Babcock, but very positively says that Carpenter 'had not been in his office since he had defended him against the Long Branch story.' (The President had told me that Carpenter was the only person with whom he had spoken with reference to Cuba.) I told Murtagh that someone had been playing double; that I believed I understood the matter."³⁰

IV

We can understand the bitterness with which the Secretary set down this entry, and we can also comprehend his sense of the dangers encompassing the Administration. If Babcock were to determine our Cuban policy and fill our legations abroad, ruin lay ahead. Fish had just learned from Gibson, the astute Washington correspondent of the *New York Sun*, that as soon as Congress met there would be another concerted movement to force the recognition of Cuban belligerency or independence; that large amounts of Cuban bonds had been placed, and more would be used; and that the *National Republican* had received a share of them.³¹

Fish's intention was to protest, and if that availed nothing, resign. Calling at the White House the very day Grant returned, September 14, he used the most vigorous language at his command. The President, began, as he expected, by asking what he thought of transferring Jones from Belgium to Russia, and J. Meredith Read from Greece to Belgium. Fish said flatly that it would be a great error. Jones did not deserve promotion; placed since 1869 in the most important post in Europe for news, he had never sent the State Department anything but press clippings. Moreover, Illinois ought not to have two of the five major missions, Paris and St. Petersburg. As for Read, he was a selfish climber, continually keeping his name in the press, and his advance-

³⁰ *Ibid.*

³¹ *Ibid.*

ment would not be popular. "It would be wise," he told Grant, "to appoint to Russia a man whose name would at once impress cultivated people, perhaps a distinguished literary man. James Russell Lowell would be excellent. His nomination would conciliate a large body who at present are not exactly hostile to the Administration, but chilly and disappointed."³² Grant maintained the silence which was his habitual mark of disapproval. Lowell had been Sumner's and Motley's friend. Sumner had died in March, 1874, while Motley had resumed his pen and just published *John of Barneveld*, but Grant remained unforgiving. Dropping the subject, Fish asked if the President had authorized the tender of the Austrian mission to Jones. On being told no, he mentioned that Jones had boasted in London of receiving a letter, which he understood had the President's sanction, offering him the place. Again Grant was silent, but this time for a different reason.

The Secretary then referred to that precious ornament of the diplomatic service, Rumsey Wing of Kentucky, Minister to Ecuador. Authorities in Quito had reported that he was suffering from delirium tremens; that as he constantly went armed he was a menace to the city; and that he had committed a murderous assault on the British Minister.³³ Grant had been responsible for his selection. "O, yes," said the President. "General Babcock told me about him. I must make a change there, and I will give the place to Kentucky again." Fish started. Only two or three men in Washington knew of the impending vacancy, yet Babcock had already seized upon it. The Secretary protested that Kentucky held the Danish mission, and was a hopelessly Democratic state. "Yes," replied Grant, "but the politicians do not count Cramer in Denmark to Kentucky's credit. He is my brother-in-law and a personal appointee. Besides, I have a man in mind for Ecuador. He is a brother-in-law of Belknap's, a lawyer, a good man; I think the name is Bowen."

That night Fish attended a White House dinner.³⁴ Columbus Alexander, from Kentucky, sat next him. The Secretary inquired if he knew a brother-in-law of Belknap's, a lawyer named Bowen. "Oh," said Alexander, "I know him, but your details are wrong. His name is Bowman, not Bowen; he is not a brother-in-law, but a brother of a brother-in-law; and he is not a lawyer but a farmer living at or near

³² Diary, September 14, 1874.

³³ Sr. Francisco Xavier Leon to Fish, Quito, August 19, 1874; Fish Papers.

³⁴ Diary, September 14, 1874.

Harrodsburg." So much for the accuracy of Grant's information.

And at this moment Fish learned of another slight upon the State Department. John A. Bingham, Minister to Japan, wrote announcing the arrival of General Meyer and Colonel Lyford with commissions from the War Department authorizing them to present to the Emperor certain military equipment. Fish knew both men. "Meyer, you know," he wrote Bancroft Davis, "is an intimate friend and pet of Babcock, as Lyford is of Belknap; the former was a frequenter of the room adjoining the President's."³⁵ The War Department's action in commissioning men to a foreign government was not only a flagrant discourtesy to the State Department, but a violation of Federal law. Moreover, Chino-Japanese relations were strained by the Formosan question; war was possible, and excited Chinese officials were already questioning American neutrality.³⁶ The presentation of arms to Japan at such a time was highly indiscreet. Fish spoke to Grant.³⁷ He pointed out that even delegates to scientific congresses or trade conferences were always commissioned by the Secretary of State; that the numerous gifts to foreign sovereigns in the past had all been made through the State Department. Apart from the question of law, "I cannot allow this to pass without remonstrance lest it be taken as a precedent."

The President hastily said that he was sure no disrespect had been intended, and that the action was mere thoughtlessness. "Well," rejoined Fish, "it is strange that the War Department and the military men who are so tenacious of etiquette and the respect due to themselves should be so heedless of what is due to others. I believe I understand the influence through which this was brought about"—he meant Babcock—"and I am tired of his interference with my Department." Grant made no recorded reply. There was no reply to make.

Fish's confidence in the President was not improved by an exhibition on September 15 of his capricious haste in Southern affairs. That day news came north of a sudden, spontaneous, and all but bloodless uprising in New Orleans against the Custom House clique which under Governor William Pitt Kellogg had been misgoverning the State. Kellogg's title rested on a disputed election, and was highly dubious. Fish went to the White House that afternoon to present a new Spanish Minister. As he ascended the stairs he was met by Grant's assistant-secretary,

³⁵ Fish to Davis, Garrison, September 28, 1874; Letterbooks.

³⁶ Porter, *Political History of Japan*, 273.

³⁷ Diary, September 14, 1874.

C. C. Sniffen, with a proclamation on Louisiana signed by the President, for which Fish's signature and the official seal were desired. The document was without heading, dated the 98th instead of 99th year of independence. Attorney-General Williams also came tumbling out, instructed to give the proclamation at once to the press. Inwardly wondering, Fish attached his signature and the seal. No Cabinet member save "Landaulet" Williams had been consulted about it.

That evening Bristow and Jewell called at Fish's house to obtain light on the matter. "They expressed surprise," he notes, "that a document of such importance and significance should be put forth without more of deliberation and without consultation with the Cabinet. (They are news members, otherwise they would not be surprised)." ³⁸ Both men thought that Grant ought to defer his intended return to Long Branch. Fish earnestly concurred. The two visitors then hurried to Dr. Sharpe's residence, where Grant was staying, and where his luggage was already on a cart at the door. When they stated their views he decided to remain, and the trunks were brought back. He at once called a Cabinet meeting for 9:30 the next morning.

It quickly appeared that Grant's haste had been extremely unfortunate. The conservative majority in New Orleans, angered by the insolence of the Black League and by preëlection efforts of Federal officials to disarm all whites, had turned out in thousands, barricaded the streets, besieged the public buildings, and driven off the colored police. Within twenty-four hours they were victorious; their leaders proclaimed the deposition of Kellogg, kept in power for two years by Federal bayonets alone, and organized a new government under D. B. Penn. The situation required no immediate action in Washington, for violence had ceased at once. Fish records that this very evening of the 15th Grant received a telegram signed by many of the wealthiest and most prominent citizens of New Orleans, assuring him of peace and order. ³⁹ What was needed was patient mediation between the Kellogg-Casey and Penn-McEnery factions. Grant soon shared the Cabinet's regret over the precipitancy with which his proclamation had committed the Administration to the maintenance of the wretched Kellogg Government. One or two Cabinet members even urged that the proclamation be revoked; Fish hoped that some compromise acceptable to the majority of white Louisianans might be found. But it was too late. With three

³⁸ Diary, September 15, 1874.

³⁹ Diary, September 15, 1874.

warships and Federal troops hurrying to New Orleans, the State was quickly forced back under the Kellogg yoke.

v

On September 18, 1874, Fish went to Garrison. It was there that he received a letter from Grant's assistant-secretary, Sniffen, which he considered decisive.⁴⁰ "The President directs me to say," it began, "that he will be pleased to have a commission prepared for John E. Bowman of Kentucky to be Minister Resident to Ecuador in place of E. Rumsey Wing to be recalled."

The letter proved that the Babcock-Belknap cabal had again taken the President captive. Grant had been inveigled by what Fish in his diary terms "Babcock's ever-present and ever-interfering influence" to direct the appointment of a man of whose capacity he knew nothing, whose very name he mistook, as a family favor. It was too much. "I cannot run the State Department in connection with Casey and Murtagh and Babcock," wrote Fish.⁴¹ He added that Babcock was the most dangerous of all, for he had brains, while beneath his suavity and gentlemanly manners he was designing, unscrupulous, and essentially arrogant. Fish did not know whether the current charges affecting his integrity were true or not; while they were confidently asserted, he had seen no real evidence for them. But he did know that Babcock's advice was often gravely injurious to the President. As for Casey and Murtagh, they were certainly knaves and probably fools. "I do not so much care that the trio get not only the honours but count the tricks, as that I do not like the association. I do not think that either law or propriety allows them or any set of men the control and influence which is accorded to them. I am tired of this sort of thing. I fear that the President has the 'third term' in his mind; it will be a grievous mistake for him or for the country—for both if it succeed. . . ." ⁴² He slept on the subject, and rose more determined than ever. The use of the venal and stupid *National Republican* to undermine his policies; the indecent appointment through the War Department of commissioners to a foreign state; the continual interference of a mere private secre-

⁴⁰ Sniffen to Fish, Washington, September 19, 1874; Fish Papers.

⁴¹ September 21, 1874.

⁴² *Ibid.*

tary with the Department of State—all this, he concluded, made it “unseemly” to remain. He wrote Grant: ⁴³

My dear General:

You are aware that for a long time it has been my desire to retire from official life. Nothing has retained me in the position which, unsolicited and unexpected, you urged upon me—which I accepted with diffidence and hesitancy, and have continued to hold at no small sacrifice—but my attachment to yourself, and the assurances often received from you of your desire that I remain.

The State Department, above all others, cannot be administered except with the most unreserved confidence given to its head by the Executive. When that confidence is shaken, or when the influence of the head of the Department in the administration of its affairs, or the formation of its policy, is overshadowed by others, a sensible or a sensitive man will appreciate that the time for his retirement has arrived.

A series of recent events leads me to the belief that my continuance in office is no longer useful, and to the apprehension that I have not the control, or the influence in matters relating to my own Department, which are necessary not only to a confident and satisfactory discharge of the delicate and complicated duties of the office, but also to the independence of feeling without which the high position which I have held in your Administration cannot be worthily occupied.

If I am not mistaken in this impression, my resignation and retirement to private life will bring me a relief which I have long desired. The only regret which will attend them, will be the less frequent opportunity of personal association and intercourse with yourself, and with the friends with whom I have been closely associated in connection with my official position during the past five and a half years. I therefore enclose herewith my resignation of the office of Secretary of State of the United States. To find a successor more competent than I have been will be no difficult task. You will, however, find none who will bring more of disinterested and loyal effort to promote the honour, dignity, and welfare of the nation, and of your Administration, or who will prove more anxious for your own personal and official welfare and success than

Yours very sincerely, Hamilton Fish.

Despite its positive tone, this resignation was not meant to be final. It was intended to bring Grant up with a jerk, and to teach him again, as he had been taught in the crisis of July, 1870, but had forgotten, that he must give Fish full control over foreign affairs or find a new Secretary of State. This time he must do it once and for all. Fish knew

⁴³ Fish to Grant, Garrison, September 22, 1874; Letterbooks.

that the President could ill afford his resignation at any time—that he could not possibly afford it just before the Congressional elections of 1874. The Secretary's fighting blood was aroused. Six months earlier, before these impositions, he had contemplated quietly stepping out about the time snow flew. But now he realized what a triumph his resignation, under the changed circumstances, would be for the Babcock-Belknap-Casey-Murtagh cabal, how fervent would be their rejoicings. He hoped, as his letters show, that Grant would reject it and let him dictate terms under which he would stay. He began for the first time to meditate serving as Secretary of State till the close of Grant's term, not because he loved office but because he could thus foil the backstairs gang which was trying to take control of the government, and drive the furrow of foreign policy straight to the end.

All this is implied in a single sentence of his explanatory letter to his new Assistant Secretary, John L. Cadwalader: "Either my resignation *must* be accepted, or some assurance [given] of the withdrawal of this Army influence—this backstairs, Kitchen-Cabinet control over the affairs of my Department."⁴⁴ Ten days passed without word from the President. On two of these days he was in New York City, but sent Fish no notification and intimated no wish to see him. While the Secretary surmised that Grant was preoccupied with the search for a successor, he felt that ordinary courtesy should have prompted some reply. Then on October 1 Grant curtly telegraphed: "Can you not come to Washington tonight and attend Cabinet meeting tomorrow?" Fish was busy attending a diocesan convention in New York, and could not leave. Nor did he intend to leave until Grant responded to his offer of resignation.

Finally, on October 3 he received a letter. Grant wrote that, knowing how long the Secretary had desired to retire to private life, "I do not see how I can again ask you to change your determination, as much as I regret your having taken it." He did not believe that it would be easy to find a successor. "I think that the public will agree with me in the statement that more ability, efficiency, and honest effort has [*sic*] not been in the place of Sec. of State for many Administrations back." But he asked a favor. "As New York will hold an election early in November, and change now might have some effect upon the result, I ask that all consideration of the question of your resignation be deferred

⁴⁴ Fish to Cadwalader, Garrison, September 23, 1874; Letterbooks.

until that time."

This was not unreasonable. Fish could have acceded to the request—had he really wished his resignation accepted; but he did not. He wished to bring Grant to a fair and square decision at once, *before the elections*. He had good arguments for asking immediate action; if he were to leave Washington he must soon advertise his house there, re-furnish his Stuyvesant Square home, reclaim his stables, and hire new servants; and he could take none of these steps without letting the cat out of the bag. On October 22 he returned to Washington; two days later Grant, who had been in St. Louis and Chicago, also returned. Fish immediately called at the White House "to bring to a close the question of my retirement."

Grant began the conversation by saying how much he regretted the Secretary's resignation, and wished that he would withdraw it. When Fish replied that he had written the letter only after long deliberation and under a strong conviction of its necessity, the President continued his expostulations. It was very inconvenient to make a change just when the annual message was to be prepared, and papers presented to Congress; he had not been able to think of any satisfactory person for the State Department; Governor Morgan, Edwards Pierrepont, and Andrew D. White had occurred to him, but all were open to objections; he really did not know where to turn. And, he added plaintively, he was at a loss to know what Fish meant in saying that his resignation was a necessity. Why? This was precisely the opening Fish wanted, and he quickly remarked that he would explain his reasons. The diary continues:

He said that he wished I would state them.

I then entered into a very full statement of the various interferences to which I had been subjected, referring to the articles in the *Republican* last spring on Cuban independence; to Carpenter's resolution; to his own admission to me that he had encouraged Carpenter without any intimation to the head of the Department charged with foreign affairs; to Casey's connection with these Cuban publications in the *Republican*; to the War Department commissioning persons to the Emperor of Japan and his signing their commissions, and no intimation given to the State Department; to the attempt to put Ingalls in the quartermaster's bureau, and for that purpose to name Meigs as Minister to Russia . . . ; to Babcock's having written to Jones (Minister to Brussels) offering him the mission to Austria in the event of Jay's withdrawal; to Babcock having informed him of the Ecuadorian complaint

of Rumsey Wing before I had an opportunity to state it officially, and when I did so, he expressed his determination to give the mission to a brother-in-law of General Belknap, and that on my asking his name he (the President) did not know it, evidently shewing that he had been forestalled by Babcock's interference to commit himself before he could be officially informed of the probable vacancy and before the officer charged by law and by usage and by propriety with the suggestion of names to fill such vacancy should have the opportunity of communicating with the President. . . .

I referred to the curt letter from his assistant-secretary instructing me to make the appointment to Ecuador, when in fact he was shown that an appointment was premature, and had verbally countermanded it afterward. I referred to the requisitions without consultation with me, or with my Department, for appointing two Missouri men to important Eastern consulates, adding that such things were continually recurring; that while I had great respect and very friendly feeling for General Babcock, I did not regard him as a safe counsellor to the President in matters pertaining to my Department, and that I could no longer submit to interference and meddling either by him or by the other Departments into the affairs of my Department, whether of policy or of appointment; that the War Department was allowed to override the State Department; that I was utterly tired of all this; that it indicated one or the other or perhaps both of two things: (1) That I had lost his confidence, or (2) That he was allowing my Department to be ruled and controlled by outside, irregular, and incompetent influences; that such being the logical . . . conclusion from all this series of events, in either alternative I could no longer remain.

All this was overwhelming. And yet only Grant's colossal and incredible carelessness was to blame; he never intended for a moment to place a slight upon Fish or to let Babcock do so. The Secretary had no sooner concluded than the President assured him of his fullest and most unreserved confidence; declared that these unfortunate events—which he now saw should not have been permitted—had in every instance been the result of thoughtlessness; and in short, made a profuse and sweeping apology. Fish thanked him. But, he said, "I cannot remain except with an understanding that in future there shall be more of reserve and of care, and that the interference by Babcock, or by other men working through Babcock, must cease. So, too, must the interference of other Departments, whether in matters of policy or in questions of appointment, unless regularly presented in Cabinet discussion."

"You may rely upon this understanding," said Grant. "Now that my attention has been directed to the matter, there will be no recurrence

of any cause of complaint." And he reiterated his wish that the Secretary should continue in office.

"Very well, Mr. President," responded Fish with formal dignity. "Relying upon the assurances you give that I need apprehend no further cause of complaint, I will reconsider, and I now withdraw my resignation." He added that he had leased his house until May, 1875, and would not like to bind himself to any particular tenure of office after that date. But Grant always held that sufficient unto the day was the evil thereof. "Well," he said, closing the subject, "I am glad that you will remain until next summer and hope that you may be able to continue beyond that time. But I see that must remain an open question to be determined hereafter." With all their old friendliness, the two then took up some routine matters of foreign business.

Fish had won his victory. Had his resignation been accepted, Babcock would have stood triumphant, the latest and greatest of his intrigues against the principal members of the Cabinet a complete success. With none but Bristow and Jewell to oppose him, he would doubtless have completed the ruin of the Administration within a short time. Fish had used the threat of resignation to teach Grant a severe lesson, which even he would not soon forget, and to establish the rights of all Cabinet members—not merely himself—within their respective spheres. His moral authority was now greater than ever, and men like Belknap and Babcock would think twice before they again provoked him to anger.

FISH's diary has already given us several glimpses of the Administration's anxieties in the South; and as domestic affairs claimed more of his attention, he made fuller and more frequent entries upon the subject. The Congressional elections of 1874 were heralded by the usual Southern disturbances, exaggerated by the press; Republican journals making the most of Ku Klux outrages, and Democratic newspapers of Negro violence. The native Southern whites had been steadily regaining control. In State after State corrupt carpetbag governments had been overthrown by responsible property-holders, who erected "conservative" administrations to stop the plundering and restore order. By the close of 1870 four States—Tennessee, Virginia, North Carolina, Georgia—had been redeemed, and Texas and Alabama shortly followed. In the autumn of 1874 Arkansas was about to join the list. The States with "conservative" governments showed the least rioting, fighting, and intimidation; those in which the native white victory was still to be won offered the least security to life and property. The bloodiest outbreak in the fall of 1874, for example, was at Vicksburg, Miss., where Negroes marching upon the city were driven off with scores of fatalities; and Mississippi still groaned under the Carpetbag rule of Ben Butler's son-in-law, Adelbert Ames. The conservative reaction, inevitable, irresistible, and followed by less oppression of the Negro than might have been expected, was a great pacifying force. When Mississippi and Louisiana, Florida and South Carolina were again governed by their own whites, the whole South would enjoy order and a fair degree of racial concord—and not until then.

Fish had consistently felt that while Grant's Southern policy had the great merit of firmness, it lacked insight, generosity, and imagination. When the President took office many still hoped that the South would tolerate the carpetbag governments born from military reconstruction. In that hope Grant had made in 1869 his one generous gesture, asking that Virginia and Mississippi be allowed to adopt Constitutions without disfranchisement and test-oath clauses. But when the South revolted against the Carpetbaggers, when the Ku Klux Klan made violence epidemic, Grant fell back upon his fixed military idea

of the restoration of order. To him the South seemed in rebellion against the results of the war; by the three Enforcement Acts of 1870-71, by proclamations, martial law, suspension of the writ of habeas corpus, and vigorous Federal prosecutions, by use of troops, Federal marshals, and deputies, he moved to quell this rebellion. The third Enforcement Act of 1871 had a double purpose. Its avowed object was to secure life, liberty, and property in disordered Southern States. The real object of many Republican leaders was to maintain their grip upon the South by giving the Federal Administration complete police powers, and the Federal courts complete jurisdiction over all offences. The Army and the Department of Justice were clothed with paramount authority. Years later this law and the first Enforcement Act were declared unconstitutional by the Supreme Court—but meanwhile they had served their purpose.

By the fall of 1874 the bankruptcy of Grant's Southern policy was admitted by all fairminded Republicans. E. L. Godkin pointed out that in the States under native white government, order was now comparatively safe, and "the Negro enjoys as much protection from the laws as the whites"; in States still under Negro control "the blacks have themselves become, in the hands of white knaves, oppressors of the worst sort." In States still hanging in the balance Federal marshals and Federal attorneys had risen to be autocratic political chieftains. They invoked the formidable powers of the Attorney-General and courts; they controlled the soldiers, and were always ready to call in overwhelming Federal forces; they gave orders to Carpetbaggers and Scalawags. The Attorney-General threatened to become a satrap lordling it over one-third of the South. Sometimes the plainest mandates of the Constitution were overridden. In Arkansas during one crisis Federal troops were temporarily employed by the President not to defend the State against insurrection, but to prevent the *de facto*, and as it later proved, the *de jure* governor, from using State forces to expel a usurper from the State House. This was the Brooks-Baxter War of the spring of 1874, waged between two rival Republican factions, both unprincipled.

Yet with no constructive achievements outside finance and foreign affairs to present to the electorate, the Republicans in 1874 naturally emphasized the Southern question. Speeches and platforms dealt with the "outrages." The Indiana Chairman telegraphed editors in his State

to play up "the horrible scenes of violence and bloodshed transpiring throughout the South." Financial questions being too dangerous to touch, the party demanded retention in office primarily that it might continue using the Army against the "rebels."

Back of the factional clashes and the efforts to bring about Federal intervention often lay the most sordid of motives. Thus Fish's diary for May 5, 1874, records a Cabinet discussion of the Arkansas difficulties. "The Attorney-General says there can be no possible doubt that Baxter is legally entitled to the office; his right having been decided by the legislature, which by the Constitution of the State is made the exclusive judge of the returns of the elections; both he and the President express the opinion that Brooks had received an actual majority of the votes, but that the President could not go behind the count and decision of the Legislature." And it continues:

From some things said it appears that there is a railroad job at the bottom of this contest for the Governorship; that Baxter had peremptorily refused to sign subsidy bonds in favor of the road which had been authorized by the legislature, and the two Senators from that State, who had been friends of Baxter, are now opposing him. Williams said that Senator Dorsey with a good deal of feeling told him that everything he had was involved in this decision, and had become much excited, and threatened [trouble] when told that the President would be obliged to recognize Baxter.

At first Fish, while laboring constantly for moderation, in his few public utterances defended the Administration. But events in 1874 opened his eyes to the perils of the President's policy. On every hand he heard of its unpopularity. Elihu Washburne, in distant France, wrote him early in March that the Republicans would lose the next House unless a change occurred.¹ "That Louisiana business is very unfortunate. It will take a strong party to carry Pitt Kellogg and Judge Durell, to say nothing of Pinchback. The sooner the whole gang is thrown overboard the better. . . ." Southern correspondents expatiated upon the confusion and bitterness in their section. In offering General Henry C. Wayne of Savannah, a Southern Republican, the mission to Japan, Fish remarked that the Administration had been embarrassed by the "want of confidence and apparent opposition to the inevitable consequences of late events on the part of so many of those at the South

¹ Washburne to Fish, Arcachon, France, March 4, 1874; Washburne Papers, Vol. 90.

in whom it would have desired to manifest confidence.”² This elicited from Wayne a notable indictment of the bad character of most of Grant’s Southern appointments. He wrote: ³

What you say of the reticence of Southern men is undoubtedly true, but . . . how can it well be otherwise when the public confidence and influence is bestowed upon men foreign to the community, not respectable in their education, manners, habits, and associations, who openly represent the lowest political sentiments, and who to further the extreme radical purposes use the confidence and influence they have to stir up the animosities of the negro against the white race? Take this city as a common instance. Gentlemen can have nothing to do with low class men controlling the Revenue Internal, the Custom House, and the Postoffice—all aliens to our community, and who if removed from office would only have to pack their carpetbags and squat somewhere else. I am not writing from prejudice, for as a citizen and as a U. S. Commissioner I have ever maintained the civil and political rights of the colored men. . . . Pass along our bay, and daily see the crowds of idle negroes crowding and loafing on the Custom House steps, like buzzards on a church steeple, filthing them with tobacco juice and impeding ingress and egress. In consequence no merchant goes to the Custom House if it can be avoided, sending a clerk. . . .

Now is this necessary? Is it just, in view of an ardent desire to reconstruct the Union? Is it wise to take men from Maine, Massachusetts, New Hampshire, Ohio, Tennessee, and Upper Georgia, to fill these important and responsible positions, when respectable gentlemen friendly disposed to the Administration and who only need proper encouragement, and whose stake is all in the community, can be had on the spot? The white vote in Georgia exceeds the colored by about 19,000. In Savannah the white vote is as 15 to 13. . . . All that Wilson, Atkins, Clark, Seeley, and the rest of the carpet-baggers can do is to stir up the negro ignorance, and get up a show of bloodshed alarming to all good citizens, and disturbing the public tranquillity. . . . The election for governor, and for the President last year speak a telling lesson. Smith was elected governor, on local issues, by over 60,000. . . . Greeley’s majority on the contrary over General Grant was only a little over 9,000 though backed by Joe Brown. Here is a declaration that has not been profited by in Washington.

² Fish to Wayne, November 16, 1873; Letterbooks. Fish, like many others, had hoped early in 1873 that Grant would carry out a long-discussed plan for travelling in the South and informing himself at first hand of conditions there. An announcement in February that he would go pleased a multitude of Southerners, who believed the trip would enable the President to formulate a more liberal policy. But he received threatening letters from a few cranks, while the plan was attacked by men who had an interest in seeing him kept in the dark. He resolved instead to go to St. Louis, to look after some fire-damaged property. *Nation*, March 27, 1873.

³ Wayne to Fish, Savannah, November 24, 1873; Fish Papers.

This protest was well taken. The nation was subjecting the Southern States by force to the perils and hardships of Negro suffrage, an experiment unprecedented in modern history. Common decency required it to see that the Federal officials in the South during this tremendous trial were true representatives of the ability, honesty, and public spirit of the North, who would have no partisan aims, but exert themselves to maintain harmony, prevent excesses and corruption, and lead the Negroes in an intelligent participation in government. Instead, by bad appointments and systematic encouragement of machines, the Administration fastened a crew of incompetent rogues upon the section.

I

It was the before-mentioned revolt in New Orleans in September, 1874, against the Kellogg régime which first produced marked Cabinet dissension. The political history of Louisiana had been the most tragic in the South. Lincoln had begun its reconstruction earlier than any other State. But the first moderate government had quickly fallen under Radical onslaughts; carpetbaggers and Negroes had taken possession of the State; and H. C. Warmoth, an Illinois adventurer who had been on Banks's staff, became governor. The State debt rose from less than \$15,000,000 in 1868 to nearly \$50,000,000 in 1871, while taxes more than quintupled. Before the war a session of the legislature had cost \$100,000 to \$200,000; in 1871 it cost more than \$900,000. On taking office Grant had named as Customs Collector in New Orleans his brother-in-law James F. Casey, another adventurer, and as Federal marshal a Maine carpetbagger, S. B. Packard. They first acted in alliance with Warmoth, but shortly quarreled with him. In a contest over the organization of the legislature in 1872 Casey actually used a revenue-cutter to carry sufficient members out of reach for ten or twelve days to prevent Warmoth's party from achieving a quorum. In March, 1872, Grant reinforced Casey by appointing Ben Butler's brother-in-law Parker as Surveyor of the Port.

The elections for governor and legislature that fall resulted in a true South American *melée*. The three Administration musketeers, Casey, Packard, and Parker, sided with the Radical Republican party headed by William Pitt Kellogg. Defeated by John McEnery, who headed a coalition of Democrats and Warmoth Republicans, Kellogg trumped

up a case under the Enforcement Act, went to a hard-drinking Federal judge named Durell, and obtained a "midnight order"—not sealed by the court, not signed officially, and not directed in the name of the President, as it should have been—under which the marshal used Federal troops to seize the State House, and to install as members of the legislature such persons as Kellogg and Casey designated. Washington immediately recognized the government thus set up.

Under this government Louisiana was still suffering in the autumn of 1874. The Senate Judiciary Committee had made an inquiry, and its majority had reported that Durell's order was illegal and void, and that Louisiana possessed no legal government; five of its seven members had declared that the rival or McEnery legislature possessed the better title. The best citizens of Louisiana had made an impressive appeal to Congress and the Northern public. Various journals had pointed out that corruption had grown deeper, contempt for public opinion more open, and lawmaking more reckless. But nothing had been done. The Grant Administration seemed adamant; Northern opinion was indifferent. Then, as the elections of 1874 approached, the Kellogg legislature passed a law placing the registry of all voters in the hands of the governor's appointees, without appeal to the courts. Under this law Kellogg could hold office until death. Forthwith, citizens of New Orleans began to arm and organize for resistance. Kellogg's police responded by raiding gunsmiths' shops and seizing fowling-pieces in private houses. The result was an indignation meeting, called by substantial New Orleans merchants, and the temporarily successful attack upon the government already described. "We say frankly," wrote E. L. Godkin, "that we know of no case of armed resistance to an established government in modern times in which the insurgents had more plainly the right on their side."⁴

Fish deplored Grant's haste in issuing his proclamation against the uprising. While he believed it impossible to recognize the revolutionary government, thus encouraging lawlessness and usurpation, he also believed that concessions should be made to Louisiana feeling. Bristow told the Cabinet that much sentiment existed even among the Federal troops against the Kellogg government and in favor of the Citizens' Party. Fish urged that conferences be arranged in New Orleans; that both factions be induced to withdraw; and that the coming election be

⁴ *Nation*, September 24, 1874.

held under Federal control or joint control of the two parties. Bristow suggested that Fish himself go to New Orleans to effect an understanding and prevent further violence, but the Secretary replied that no Cabinet-member could travel many miles before news of his errand was telegraphed over the country and his usefulness destroyed.⁵ Other names were suggested—Admiral Rodgers, and General Cowan of the Interior Department. But Grant, to Fish's regret, took a sterner course. He issued orders to military commanders in Louisiana that under no circumstances would the new government be recognized, and began moving troops and warships on New Orleans; McEnery yielded, and Kellogg was reinstated.

The elections of 1874 were a heavy blow to the Republican Party. Tilden rolled up more than 50,000 majority in New York. Democratic victories in Indiana, Illinois, and Missouri made certain the departure of Morton, Logan, and Schurz from the Senate. In Pennsylvania the Democrats gained a dozen Congressmen. Democratic control of the next House was assured, and able new men, like Hewitt of New York, promised aggressive leadership there. A conservative triumph brought Alabama into the redeemed list. The only consolation Republicans found was in the defeat of Ben Butler in his Lowell district. "What a sweep the Democrats have made!" John L. Cadwalader wrote Fish. "We deserve *some* of it. . . . Someone advised that troops should be sent to Butler's district to prevent intimidation."⁶ But Fish feared that the lesson would be lost upon Grant. He wrote in his diary on November 8:

Postmaster-General Jewell called in evening to see me. Says he dined on Friday at the President's, who he thinks has no appreciation of the results of the late election, which have been overwhelmingly adverse to the Republican Party; that among the company at the President's were Babcock and

⁵ Diary, September 16, 1874, recording two Cabinet meetings. Grant's attitude was described to Elihu Washburne by Marshall Jewell under date of September 19, 1874. "Grant means business in this thing. He is not mad about it, nor does he use any hard language, and he doesn't . . . say much, but his eyes are *set in his head*, and he will never make it up as long as there's an insurgent pretender in the chair, and does not hesitate to call out all the force in the United States. He is cool and collected and thoroughly determined, and grows a little black in the face when talking about it, but that's all." Washburne Papers, Vol. 90.

⁶ Cadwalader to Fish, Washington, November 5, 1874; Fish Papers. Marshall Jewell wrote Washburne on December 5, 1874: "The President does not feel that he is responsible for these little defeats, but I differ with him somewhat, because I think that with a better set of appointments we might have succeeded better at the polls." Jewell added: "Everybody does rejoice at the defeat of Butler. Bailey telegraphed on the night of the election, 'Butler Defeated, Everything Else Lost.'" Washburne Papers, Vol. 90.

his wife, and Tiffany (President's Methodist priest) and his wife; that at the dinner Mrs. Tiffany said she was glad of Dix's defeat in New York because he had gone back upon the President [Dix had rejected the third-term idea] to which Jewell says he took exception, but no others dissented.

Jewell added that this is the sort of talk with which the President is always surrounded. Jewell added that he did not think the President really appreciated the importance of the Republican Party.

Certainly the President's Southern policy continued unchanged. In Arkansas, where the Democrats and conservative Republicans had just adopted a new Constitution and elected A. H. Garland as governor, the former lieutenant-governor, one Smith, tried by some queer constitutional law to work up a case before Attorney-General Williams and thereby obtain control of the State. His plea was preposterous. Yet the Cabinet seriously considered it. Fortunately, Congressional investigators found that he had no support, while Williams laid down the opinion, according to the diary, that the validity of the new Constitution could not be denied because, several other States having adopted instruments in similar fashion, it would "not be safe."⁷ A few days later, reading a rough draft of part of his annual message, Grant indulged in an outburst of spleen. He showed the Cabinet several loose sheets, which he said represented his real opinion of Reconstruction and the condition of the South. Fish characterizes them as "very strong and very just." They "might be well for a heated Congressional debate or a rough newspaper article," but they were "wholly beneath the dignity of his official position or of an official document." After reading them, the President remarked: "This is just what I want to say, but I don't think I can."⁸ Whenever possible Fish urged caution; for example, he wrote on December 3:

President read draft of his message, excepting that part relating to currency and finance, which he had read on Tuesday; in the main a very good document, better written than some former ones, subjected to more criticism in a friendly spirit, and more discussion than on any previous occasion.

The part relating to reorganization of Southern States, especially Arkansas, was modified after considerable discussion, Bristow, Jewell, and myself urging modifications, Delano, Williams, and Robeson partly opposing them. Assertions of questionable powers on the part of the Executive and the expression conceding certain powers to Congress were those objected to on constitutional principles. . . .

⁷ Diary, November 17, 20, 1874.

⁸ Diary, December 1, 1874.

II

At this point the Louisiana pot again commenced to boil furiously. The election on November 2, with Federal troops and gunboats policing the State, had ended in a violent dispute. The face of the returns gave the Conservatives a heavy majority of the next House and a decisive majority of the Legislature upon a joint ballot; and the Citizens' Committee petitioned Grant to withdraw the military. But Grant refused and the Kellogg-Packard-Casey machine prepared to hold the State at all costs. The Returning Board, controlled by Kellogg, met November 11 to canvass the ballots. In six weeks of secret labor it so manipulated the vote as to give the House 54 Republicans and 52 Conservatives, with five seats undetermined and left to the decision of the Legislature. It had thrown out many local returns, acted with gross unfairness, and produced a list of members which impartial Northern judges unhesitatingly pronounced fraudulent. Protests by the aghast Conservatives went unheeded. The legislature was to meet January 4, and they must move rapidly or be overwhelmed. They did move. On December 29 McEnery announced that he hoped to control the organization of the House unless prevented by Federal troops. On January 3 press reports stated that the non-appearance of three members (two sending word that "not having been elected they would decline to appear") and the arrest of a fourth, had dashed the Radical hopes of a majority.

But having acted with arbitrary haste in September, President Grant was prepared to do so again. The Cabinet meeting of December 29 showed that most members favored caution. When Grant stated that it might be necessary to place Louisiana under martial law, Attorney-General Williams even expressed doubt as to his authority to do so.⁹ Nevertheless, rumors that the President had decided on "heroic treatment" ¹⁰ soon proved correct. Going over the head of General Sherman, to the latter's anger, he ordered General Sheridan—an officer hated next to Ben Butler in Louisiana, where he had behaved with great harshness as military commander—to New Orleans. Sheridan arrived January 1, 1875, but did not take formal charge till the night of the 4th.

⁹ Diary, December 29, 1874. For the situation in New Orleans, see Lonn, *Reconstruction in Louisiana*, 270 ff. On details, especially the exact complexion of the House, authorities (like parties and newspapers of the time) differ widely.

¹⁰ *Nation*, January 7, 1875.

Early on the 4th, 1,800 Federal troops were marshalled near the State House. At noon the House met, and amid great confusion elected a Conservative as temporary chairman. Though different witnesses gave different accounts, the Conservatives held an apparent majority, and they prepared to fill the five undecided seats. As they did so the Radicals began withdrawing. Organization of the House continued, and the temporary chairman was elected Speaker. Then suddenly the sound of marching men came from the corridors; with clattering scabbards General de Trobriand and his staff appeared at the door; and striding down the aisle, he produced two papers from Governor Kellogg, one denouncing the House as an illegal body, and another authorizing him to expell all members not certified by the Returning Board. A number were hustled out at the point of the bayonet. With the aid of a file of soldiers who kept order, and a former clerk who called the roll, de Trobriand reorganized the House. As he did so the last protesting Conservative withdrew, and left the chamber to the troops and the Kellogg party.

The news of this arbitrary interference created intense indignation all over the country. Garfield wrote in his diary: "The darkest day for the Republican party and its hopes I have seen since the war." ¹¹ E. L. Godkin called in "the most outrageous subversion of parliamentary government by military force yet attempted in this country." ¹² Great mass-meetings, addressed by prominent Republicans as well as Democrats, were at once held in Cooper Union and Faneuil Hall. This time the facts of the episode could not possibly be distorted; the legislature of a sovereign American State, the complete and final judge of the qualifications of its own members, with a legal quorum present, and acting in the orderly discharge of its duties, had been turned into the street by Federal soldiery. Nothing more destructive of the principles of American government could be imagined; and that it was done to aid such a crew of plunderers as Casey, Packard, and Kellogg added to the disgrace. Kellogg's order of course had no validity; no Governor or President in America has any authority whatever over the organization or proceedings of a legislative body. Nor was there any law, Federal or State, under which de Trobriand's intervention could be justified.

The general indignation was shared by Fish. At the Cabinet meeting on January 5 Secretary Belknap read a remarkably moderate report

¹¹ Smith, *Garfield*, I, 519.

¹² *Nation*, January 7, 1875.

from Lieutenant-Colonel Henry A. Morrow, an officer whose work had taken him all over the State, on Louisiana affairs, emphasizing the popular loyalty to the Federal Government. It struck Fish as able, discerning, and truthful, and he said so. But in "other quarters" it was less acceptable. Attorney-General Williams pronounced the expressions of loyalty insincere. Grant concurred. When one member asked Williams his opinion of the proper policy to be followed he replied, "I would fight it out to the bloody end," a remark from which Fish warmly dissented.¹³ Telegrams were read from Sheridan and Packard. The newspapers that day published reports that Grant was about to send Congress a message on Louisiana, and in the evening Bristow came to Fish's house with news that Senators Conkling and Edmunds were much worried as to its nature. They understood that the Attorney-General was drafting it, and expressed an earnest hope that Fish and Bristow would take careful precautions as to its tone and purport. Neither of them had the slightest respect for "Landaulet" Williams, whose influence over Grant seemed so peculiar. Fish was nonplused. Bristow had no plan of action, and it was obviously difficult to give Grant advice until it was asked.

Their discussion led, writes Fish in his diary, "to an expression by both of us of regret and dissatisfaction on the absence of serious consultation in Cabinet meetings of questions of interest instead of the consumption of time in the discussion relating to the filling of unimportant offices and in general conversation." They both deplored "the indifferent way in which Col. Morrow's very remarkable report had been received." Fish was grieved because Bristow had apparently agreed with Grant and Williams upon the insincerity of Southern professions of loyalty, and Bristow excused himself on the ground that his bitter struggle with the Ku Klux Klan in Kentucky had made him distrustful of Southerners. Fish pointed to the plain evidences of loyalty in Louisiana. "I refer," he writes, "to the readiness with which in September last the Penn Government in New Orleans had yielded the moment the General Government presented itself."

Before the Cabinet met again on January 9th ominous events had taken place in Louisiana. General Sheridan, arriving to take charge on the 1st, had formed his own views of the situation with such prodigi-

¹³ Diary, January 5, 1875. The Morrow report was endorsed by General Emory, in command in New Orleans, and General Sherman, head of the Army. See Senate Ex. Doc. 43d Cong., 2d Sess., No. 17.

ous rapidity (though for three years its complexity had puzzled the government and country) that on the 4th he telegraphed a plan to the War Department. "I think," he stated, "that the terrorization now existing in Louisiana, Mississippi, and Arkansas could be entirely removed and confidence and fair dealing established by the arrest and trial of the ringleaders of the armed White League. If Congress would pass a bill declaring them banditti they could be tried by a military commission. . . . It is possible that if the President would issue a proclamation declaring them banditti, no further action need be taken except that which would devolve upon me." This plan for a general act of attainder or proclamation of outlawry, to be followed by the summary court-martialing of all citizens that Sheridan chose to arrest, momentarily stunned intelligent observers. Then the best leaders of the North rose as one man in protest. William Cullen Bryant and William M. Evarts uttered eloquent condemnations. Carl Schurz asked if these things were done in Louisiana, how long before they would be done in Massachusetts and Ohio?—how long before soldiers would stalk into the Federal House and pointing to the Speaker's mace, say "Take away that bauble?" Samuel Bowles declared in the Springfield *Republican* that the acts in Louisiana were "revolutionary, treasonable." The *Nation* asserted that to find precedents for Sheridan, students must go back to the loosing of Claverhouse's dragoons on the Covenanters, and of Louis XIV's soldiery on the Huguenots.¹⁴

Yet while the public disapproval grew to a hurricane, Secretary Belknap telegraphed Sheridan: "The President and all of us have full confidence and thoroughly approve your course. . . . Be assured that the President and Cabinet confide in your wisdom and rest in the belief that all acts of yours have been and will be judicious."

The Cabinet meeting on the 9th was one of the stormiest the White House has ever seen. Williams opened it by trying to justify the interference with the Louisiana legislature on the ground that the Federal troops were a *posse comitatus* called in to maintain the peace. Robeson enlarged upon this argument. President Grant, writes Fish, then "adopted the idea that the military having been there in pursuance

¹⁴ For the text of Sheridan's dispatch see Senate Miscellaneous Docs., 43d Congress, 2d Session, No. 45. For Grant's approval of Sheridan's work see Senate Ex. Doc., 43d Cong., 2d Sess., No. 13. For editorial opinion see Merriam's *Samuel Bowles*, II, 275, 276; *Nation*, January 14, 1875. A good treatment of the whole subject is to be found in the *American Annual Cyclopaedia*, 1874, article "Louisiana."

of a call made in accordance with the Constitution of the United States, it was to be regarded as a *posse comitatus*." At once Fish interrupted with an emotion which he transferred later to his diary: ¹⁵

I dissent from these ideas—[I] admit that the military were in New Orleans in pursuance of a call made in accordance with the Constitution, but [assert] that the army of the United States never can be regarded or used as a *posse comitatus*. The two ideas are inconsistent. [I] dissent from Robeson's argument as to the extent of the duty of the governor of a State to attend to the organization of the legislature; he has no duty to interfere forcibly unless there be an attempt by force to prevent the organization. The legislature is the judge of the returns of its own members; that the governor cannot interfere until called upon; unless there be a violent interference with the organization.

There is no allegation of forcible (Democratic) interference with the organization of the legislature in New Orleans. The returns exhibited a nearly equal number of each party as elected (neither party having sufficient to form a quorum) and a small number of contested seats. These contested seats would determine the majority of one or the other political party in the Assembly. A trick or snap judgment was attempted, under which a number of Democratic contestants were declared admitted, etc., thus giving the Democrats a majority of the House and a quorum. This may have been a fraud upon the people of the State, but was not a violation or breach of the peace. That thereupon . . . the United States troops came in and forcibly removed the persons who had been admitted to the contested seats. This was a wholly inexcusable interference, and an outrage upon the independence of the State legislature; that the governor could not authorize nor request such intrusion, and that his request to an officer of the army to use his troops either to prevent or to aid in the dispersion or even in the organization of a legislature was no justification of the military officer.

Attorney-General Williams interrupted to ask if Fish, when governor of New York, would not have used troops to resist any attempt to prevent the organization of the legislature, or to force into it persons not elected. Fish smiled pityingly. He replied that while he would certainly have used the militia to quell a violent attempt to prevent legislative organization, he would have had no right whatever to use it to control the decision of the legislature as to its own membership. After this crushing rejoinder he turned to Belknap's unwarranted telegram:

I then said that another point was presented by the telegrams which had appeared in the public papers as having passed between General Sheridan

¹⁵ Diary, January 9, 1875.

and the Secretary of War. I had seen two telegrams from Sheridan which I regarded as unwise and very objectionable. One dated January 4th charged the whole community with indifference to defiance of laws and of murder, the other denounces persons as "banditti"; the connection of the two seems to include the community, or controlling element of these States, in the denunciation as "banditti"; that he proposes that Congress so declare them, in which case they could be tried by a military commission; that this conclusion is not justified by any law and arises either from an ignorance or a disregard of civil law. He then proceeds to say that if the President would issue a proclamation declaring them "banditti" no further action need be taken, except that which would devolve upon him, the inference being that he would try them by court martial. To these telegrams the Secretary of War replied that "the President and all of us have full confidence and thoroughly approve your course." If "all of us" is intended to mean the Cabinet, I say that I have not been correctly represented inasmuch as . . . General Sheridan's telegrams . . . did not allow me to have confidence in him in his present position, or to approve his course, and I am unwilling to appear before the public as having such confidence or as approving Sheridan's course.

He proceeded to condemn the entire course followed in Louisiana. He said:

That I think it is the duty of the Administration to disclaim and denounce the action of General de Trobriand in intruding upon the legislature, and to withdraw from the expression of confidence as made by the Secretary of War in behalf of the Cabinet.

That I believe that the masses of the people in Louisiana are like the masses elsewhere, honest, sincere, and moral, and would look upon crime and murder with the same abhorrence. That they wish to be engaged in their own vocations, but that the disorganization of society in that State and the lawlessness which has prevailed there since the war have made them timid and disinclined to interfere actively to repress or punish the outrages which occur. That the charge of indifference to murders against a community is unjust and very unwise.

Belknap made the lame explanation that his telegram had been submitted to the President, and that he had supposed no Cabinet-member would dissent from it. He also read the President's instruction ordering Sheridan to Louisiana; it was dated the day before Christmas, and Fish had never heard of it before—nor apparently had any other Cabinet officer, save Williams. "I think," Fish writes, "that when made public it will be severely criticized."¹⁶ Both Bristow and Jewell ener-

¹⁶ *Ibid.*

getically sustained Fish. The former, though reiterating his distrust of Southern whites, strongly dissented from Belknap's telegram. Jewell declared the term "banditti" unfortunate, disapproved of Sheridan's recommendations, sharply condemned the invasion of the legislative hall by Federal troops, and asserted that he was opposed to any endorsement of Sheridan's acts.

In this heated discussion, which lasted until three in the afternoon, Grant was palpably embarrassed and took little part. When Fish suggested a public disclaimer of the action of de Trobriand and a withdrawal of Belknap's hasty telegram, he merely interrupted to say: "I will certainly not denounce the military action or censure Sheridan's proposals." But the debate had its effect on him. "As it advanced," records Fish, "he seemed to be somewhat impressed with doubt as to the entire correctness of what had been done." He might well have been!

That evening Robeson told Fish confidentially that Belknap had suppressed several indiscreet telegrams from Sheridan, one beginning: "The dog is dead." Blaine, Garfield, and Eugene Hale called at the Secretary's house. All were worried, and all much dissatisfied with Grant's military intervention and with the position in which Belknap's telegram had left the Administration. Next day a Republican Congressional caucus discussed the subject, but with little result; its chief feature being a temperate speech by Butler—"that is, temperate for Butler," Blaine told Fish—recommending a new election in Louisiana.¹⁷

But on Sunday the 10th Fish called at Bristow's rooms and found Jewell there with some interesting news. A Congressional sub-committee of two Republicans and one Democrat, Phelps, Foster, and Clarkson Potter, had been hurried to Louisiana to investigate. They had prepared an unanimous report. It would state, said Jewell, that no intimidation had been exercised in the recent election; that the returning board had been thoroughly corrupt and its decisions fraudulent; and that it had seated Republicans from districts in which Democrats had unquestionably been elected. They would also report that the White League included a large body of highly respected citizens, who would tolerate no rowdyism, and that the five legislators ejected by de Trobriand had been honestly elected. This news proved correct. Within a few days the report was published and produced a tremendous impression. The high standing of the three men, the thoroughness of their

¹⁷ Diary, January 10, 1875.

investigation, based upon 1,500 printed pages of testimony, and their unanimity, rendered it conclusive.¹⁸ It left Grant's course and Sheridan's harsh outburst more indefensible than ever.

III

Fish was now anxious that the Administration should find an honest path of retreat. Congress had passed a resolution calling upon Grant for information. Still hopeful that he would disavow the recent military acts, and in close touch with distressed Congressional leaders, Fish prepared the rough draft of a message which would have committed him to a clear abandonment of intervention. It asserted that the request of Governor Kellogg for armed assistance "was an unjustifiable call upon the military, and is well calculated to excite alarm as tending to the subversion of constitutional law and the independence of the legislature of a State." It also laid down a general rule: "The army of the United States should not be employed to control or to effect the organization of the legislature of a State, either on the order of a Governor or at the request of a claimant to the Speaker's chair." While it partially defended de Trobriand by saying that in view of previous lawlessness in Louisiana, "the military officer may . . . be excused for not assuming to disobey" Kellogg's order, it concluded that this action "cannot be made a precedent for any future intervention."

Fish never wrote a bolder or more statesmanlike paper. Showing it to Bristow, he tried to enlist his support. But Bristow had just been talking with Oliver P. Morton, a notorious die-hard in Southern affairs, and hesitated. The Secretary then, a few minutes before Cabinet meeting, read it to Grant. He made no comment or reply—a token that his stubborn temper had rejected it.

Nevertheless, this Cabinet meeting of January 11th showed that adroit manoeuvring could bring the President—half-unconsciously, all-reluctantly—to the strategic retirement now unescapable. He began in the worst possible way. Before the meeting he told Fish that he would under no circumstances apologize for anything that had been done; and in opening the discussion he said that he intended in his message "to recapitulate the events which he thought would show the necessity of what had occurred."¹⁹ But Robeson shrewdly preceived an opening.

¹⁸ *Nation*, January 21, 1875.

¹⁹ *Diary*, January 11, 1875.

He suggested that in recapitulating events Grant should justify the presence of the troops under the governor's request in September; should say that the military officers had acted on January 4th without consulting Washington; and should thus lead up to a disclaimer of their action, or at least a refusal to approve it.

This was adroit, and most Cabinet members approved the suggestion. Belknap then read a telegram which Grant had sent to Kellogg on December 9 refusing the employment of the troops for certain purposes, and limiting distinctly the uses to which they might be put. Everyone agreed that this telegram should go to Congress to help relieve the Administration from the charge of assenting to the conduct of the troops on January 4. Attorney-General Williams was entrusted with the preparation of Grant's message to Congress, and it was agreed that certain Senators should be called in to examine it. Fish had by now learned how to deal with the "plain, blunt" soldier-President, and he records: ²⁰

After the meeting Robeson and myself endeavor to impress upon Williams the necessity of some disavowal of the military interference with the legislature which, he said, he had already gotten into the message as he thought so as not to excite the President's susceptibilities. Robeson said that he would go immediately to the Senate and try and prepare the Senators for the interview tomorrow.

The retreat was then duly executed. Noon of January 12 found President Grant reading Williams's draft to a group of Senators—Morton, Carpenter, Conkling, Edmunds (who Grant complained was rather crotchety), Frelinghuysen, Howe, and Sargent. They doubtless offered suggestions. In the afternoon the Cabinet made several amendments. Fish found it "much better than I had anticipated from his conversation a day or two ago. It is not all that I should wish but contains much stronger expressions of disapproval of the military interruption than were expected, and possibly stronger than the President is himself aware of." ²¹ On the 13th it went to Congress. Its most striking statements (intermixed with apologies for Sheridan, indictments of Southern disorder, and the like) were two. "I am well aware that any military interference by the officers or troops of the United States with the organization of the State legislature or any of its proceedings

²⁰ *Ibid.*

²¹ Diary, January 12, 1875.

. . . is repugnant to our ideas of government. I can conceive of no case, not involving rebellion or insurrection, where such interference by authority of the General Government ought to be permitted or can be justified." And again: "I have no desire to have United States troops interfere in the domestic concerns of Louisiana or any other State." Certainly this was emphatic enough; and the emphasis was due largely to Fish's assistance.

The practical solution found for the Louisiana question also satisfied Fish. A compromise proposed by Representative William A. Wheeler of New York gave the Democrats control of the House, and, though the Senate was Republican, of both chambers on joint ballot; but they promised not to impeach Kellogg. For the first time in years the State now had a government which the people cordially accepted and under which they could make steady progress toward prosperity.²² The "banditti" promptly proved themselves hardworking, order-loving citizens. A picturesque incident of the final reorganization of the House was a Negro's surrender of his seat to his old master, with a felicitous declaration that he was honored to yield it to one who had always been kind to him.

But even yet Grant had not learned his lesson. The ink was hardly dry on his message, with its virtual apology for high-handed acts in Louisiana, when he turned with equal rashness toward Arkansas. During December and January a powerful lobby from Little Rock, directed by Senator Dorsey, Senator Clayton, and ex-Governor Brooks, had been toiling day and night in Washington. They detested the new Conservative Constitution and Garland's Conservative administration. Arkansas was by no means so rich as commercial Louisiana. But for a simple agricultural State, just emerging from backwoods crudity, with no mines, manufactories, or large towns, it had afforded the Carpetbaggers handsome pickings. Taking control in 1868, they had increased the bonded debt in six years from \$3,252,401 to nearly \$9,000,000; the floating debt from zero to \$1,865,000; and the annual running-expense to more than \$1,000,000, though \$300,000 should have been ample. Their six years' rule had cost a poverty-stricken people more than \$17,000,000; and now that the Conservatives had turned them out, they hurried to Washington with demands that the Federal Government reinstate them. The Republican House appointed a committee to

²² *Nation*, May 13, 1875.

inquire if the new Constitution, adopted by overwhelming vote, had been lawfully submitted, and if Garland were legally the Governor.

Headed by Poland of Vermont, it was an able committee. Yet at the very moment it reported, Grant took arbitrary action without the slightest regard for it. After a thorough inquiry, the committee declared that the new Constitution was in many ways better than the old, and was approved by a great majority of the inhabitants; that the State had been as peaceful since its adoption as ever before; that the mass of people desired order and good government; and that no ground existed for Federal interference. It declared that the principle was well established that any technical defects in the submission of a new organic law were cured by popular ratification, and "the people of every State have the right to make their own Constitution to suit themselves," so long as it harmonizes with the Federal Constitution. But the next day Grant sent Congress a startling message. He declared that Brooks had been lawfully elected governor in 1872; that the Constitution under which he was elected had been overthrown by "violence, intimidation, and revolutionary proceedings"; that if this were permitted, other Southern States might also "change their Constitutions and violate their pledges"; and that in view of so dangerous a precedent, Congress should "take definite action in the matter." It was clear that the Dorsey-Clayton-Brooks lobby had dictated the message. The astounded Fish wrote in his diary for February 9:

The papers of this morning gave a copy of a message sent by the President yesterday to the Senate, on Arkansas affairs; it is a message on which there has been no discussion or consultation in Cabinet, and to which had I been consulted I should never have advised; it is dangerous in its tendencies and inconclusive in its argument. Too many of the States have changed their Constitutions by proceedings similar to those under which the new Constitution of Arkansas has been adopted, to question the rightfulness of the proceedings. . . .

No allusion was made directly or indirectly to the message during the Cabinet session [today]. I did not wish to introduce the subject but was prepared to express a dissent, had an opportunity of so doing been offered to me.

On inquiry, he learned that neither Bristow nor Jewell had seen the message before it was sent, or had known that it was in contemplation. Bristow understood that Boss Shepherd and Senator Dorsey had induced Grant to write it. Further inquiries led Fish, as he wrote in his

diary, to conclude that an attempted theft lay behind their activities. Dorsey, Clayton, and their friends in 1872 had counted out Brooks, who was probably elected governor, and counted in Baxter. But when Baxter refused to sign two million dollars' worth of fraudulent railroad bonds, his adherents turned against him. President Grant on May 15, 1874, had declared Baxter to be governor, denouncing Brooks and his party; now on February 8, 1875, he declared that Brooks had been elected and denounced Baxter and his followers! Senator Dorsey, later a principal in the Star Route frauds, was a neighbor and close friend of Boss Shepherd's, living in a house owned by him. Shepherd was a bosom friend of Babcock's. "I believe," commented Fish, "that there is a large steal in the Arkansas matter, and fear that the President has been led into a grievous error."²³

It shortly appeared that the steal had complicated ramifications in Washington. Secretary Bristow (as he later told Fish) called at the White House on February 20. The President, introducing the subject of Arkansas, said that the sole object of his message had been to urge Congress to furnish an expression of opinion! Taken aback, Bristow remarked that he had understood it as an assertion of Grant's own definite views, his "determination." Not at all, said the President. At this Bristow expressed great gratification. While he was doing so Babcock came in— "Just as he always does," Bristow told Fish; "he never allows me to be with the President without coming into the room." Bristow, after praising the President's disclaimer of any intent of definite action, or of doing more than lay the responsibility upon Congress, inquired whether he might inform others of what Grant had said. "To my knowledge," he told Grant, "many of your friends, including some of your most pronounced and outspoken adherents, have been very much distressed by what they thought the purport of the message, and they will be proportionately relieved to learn of your real views and wishes. So, I think, will the whole country."²⁴

"I see no objection to your telling others," said Grant. But Babcock quickly interposed. He declared that in his opinion nothing should be said; that it was necessary to be bold and to take decided ground, and that the President should not enter upon explanations or disclaimers. At once Grant withdrew his assent, remarking: "I do not wish anything said about it."

²³ Diary, February 11, 1875.

²⁴ Diary, February 21, 1875.

Bristow's comment, as recorded by Fish, was enlightening: ²⁵

Bristow said his position in the Cabinet was not agreeable; that Delano is continually working against him, and Babcock works with Delano; thinks that Shepherd is with them and has much influence with the President; says that Shepherd is financially very hard pushed; that he owes some \$20,000 of taxes in the District; that the property on which taxes are unpaid is advertised for sale at an early day, and Shepherd and Babcock are endeavoring to prevent the sale and induce Congress to assume or relieve the taxes. That one of the members of the Committee of the District had proposed to another a such measure, but that Dennison was strongly opposed to it.

But the plot to benefit Brooks, Dorsey, and Shepherd failed. Public sentiment had reared too grim a front against Grant's action. The *Springfield Republican*, misconstruing the message as Grant's act instead of that of his backstairs advisers, said that it could be translated into one sentence: "Authorize me to make war upon the government and people of Arkansas in the interest of my third term." ²⁶ Congress stood valiantly by the House Committee. Immediately before adjournment it passed Chairman Poland's resolution in favor of non-interference, many leading Republicans joining the Democrats. Garland proclaimed a day of thanksgiving in Arkansas, and within a few months Charles Nordhoff was sending the *New York Herald* graphic accounts of the contentment and orderliness of the people there. ²⁷

IV

But in the closing hours of Congress, Babcock treated the Cabinet to another display of audacity. Both houses had passed Henry Wilson's bill for the equalization of war bounties, a rather dangerous piece of political buncombe. On the excuse that the three-year recruits, who had enlisted earliest in the Civil War and done the most fighting, had been paid bounties of only \$100 while later recruits had been given \$300, it provided a sum estimated by the Second Auditor at \$59,000,000 and the Paymaster-General at \$100,000,000, to remedy the "injustice." Actually no such sum was due, for payments of some \$60,000,000, considered final, had already been made. Moreover, with reduced receipts the Treasury could not bear such a burden. A powerful lobby backed it, with money for many hands. Grant courageously resolved

²⁵ *Ibid.*

²⁶ Merriam, *Samuel Bowles*, II, 238.

²⁷ *N. Y. Herald*, April 7-12, 1875.

to veto the bill. On March 4 he and the Cabinet gathered in the President's room in the Capitol. Adjournment was to take place at twelve. At eleven-thirty the measure, duly engrossed, was brought in; he called the members about him—the room being full of other people—and read his veto message; and after Fish had suggested a minor amendment, the Cabinet endorsed it. Grant then signed it, and called to Babcock to take it to the House.²⁸

Babcock earnestly protested. "General," he said, "you are making a terrible mistake." The President quietly replied, "I have signed this and wish it to go to the House." Babcock left, but took with him only the last sheet of the message; and on his return, it was found that he had carried it to the Senate instead of the House. Noon had now struck, the House had adjourned, and it was too late to remedy the error.²⁹ It was clear that Babcock had resorted to this impudent manoeuvre in order to suppress the message. Next day certain gross misstatements upon the failure of the bill appeared in the *Washington Chronicle*, arousing the indignation of Fish and Bristow. Their purport was that the Senate, and not the President, was responsible for this failure. And though the President intimated that he would make the text of his lost veto message public, it was too late to gain any attention for it.³⁰

²⁸ Diary, March 4, 1875.

²⁹ *Ibid.*

³⁰ Diary, March 5, 6, 1875; text of message is in Richardson, VII, 320.

MONTH by month in 1874-75 the front of battle against the evil influences surrounding Grant widened, and the conflict became more desperate. In the autumn of 1874 Fish had grappled with Babcock, Casey, and others of the Kitchen Cabinet, and repelled their assault upon the State Department; in the spring and summer of 1875 the conflict shifted to the Treasury and it came the turn of the tall, lean Kentuckian, Bristow, to wrestle with them. By the centennial year all the world knew that Bristow was the David who had slain that panoplied Goliath, the Whiskey Ring. But the spectacular struggle against the Ring was only one part of the never-ceasing battle against the forces of corruption in the outer rooms of the White House and the Federal Departments.

The existence of a Whiskey Ring, though not its personnel or exact character, had long been known. Men suspected in Lincoln's time that dishonest distillers and rectifiers were conspiring with internal revenue officers to evade the high Federal taxes; they knew in Johnson's time that the evasion had become widespread. But not until midway in Grant's first Administration was it fully organized under astute leaders in St. Louis and Washington—the "Ring." The grand initiator of this organization was General John A. McDonald, a rough-and-ready Missouri colonel, cotton-speculator, and claim agent whom Grant had made supervisor of internal revenue, with a jurisdiction ultimately including Kansas, Arkansas, Indian Territory, New Mexico, and Texas. As we now know, the Ring was originally formed to raise funds for political purposes in 1870, the year in which the Grant Republicans lost control of Missouri through a party schism. It was continued for private profit with McDonald as head and a steadily increasing list of aides. They included the President's secretary, Babcock; the chief clerk in the Internal Revenue Office, William Avery, with other Treasury officials; various revenue collectors, especially John A. Joyce of St. Louis; and numerous politicians in Missouri, Illinois, and Wisconsin. In St. Louis the Ring had the assistance of William McKee, owner and editor first of the *Democrat*, and after its sale of the *Globe*. Many distillers and rectifiers, from Milwaukee to New Orleans, were forced into the combi-

nation by an ingenious system of blackmail. That is, they were entrapped in some technical violation of the law, and threatened with bankruptcy if they did not join the Ring. Others entered voluntarily. In 1874, the distillers in St. Louis alone defrauded the Government of about \$1,200,000 in revenue, and Milwaukee, Chicago, Peoria, Indianapolis, and other cities added heavily to the amount.¹

Profits by the Ring, and especially by the large distillers, were huge. About two-fifths of the sums fraudulently withheld, it was later estimated, went to the higher government officials involved. Many gaugers and other petty officials were paid by the distillers themselves. But the Ring had heavy expenses. McKee at one time required nearly \$1,000 a week for the use of his newspaper. McDonald, whose salary was \$3,000 a year, paid the bill of the President and his party at the Lindell Hotel during a ten-day stay in St. Louis in 1874; and he received only partial reimbursement. His story that he bought Grant a pair of fast horses, a road-wagon, silver-mounted harness, and whip as a gift was false; Grant paid for them in full. But he and Joyce did purchase a diamond shirt-stud for Babcock at a cost of \$2,400, and when Babcock subsequently grumbled that the stone was flawed, they replaced it with a better one. The Ring footed heavy bills for protecting itself. In different cities and States large contributions were demanded of it, with no questions asked, by agents of Republican campaign committees.

The Ring was safe so long as the political-minded Boutwell and the careless Richardson of Sanborn-Contract fame were at the head of the Treasury Department. But in 1874 Bristow's reformatory zeal began to fill its members with fear. He was at once listed with Secretary Fish and Postmaster-General Jewell as a dangerous member of the Cabinet. Before he had been in office six months he was marked for destruction. By December, 1874, though as yet he had no suspicion of Babcock's questionable activities and knew little of the Ring itself, he realized that a formidable combination was afoot to shake Grant's confidence in him and force him out of the Cabinet, and that Babcock and Delano were its principal directors.

¹ The best sources on the Whiskey Ring are two excellent articles by H. V. Boynton in the *North American Review*, October, 1876, and *American Law Review*, April, 1877; House Misc. Docs., 44th Congress, 1st Sess., No. 186, being testimony given in the Congressional inquiry; and John McDonald, *Secrets of the Great Whiskey Ring* (1877), a work full of bias, and inaccurate in many particulars, but valuable if carefully used. I have sifted the Logan, Jeremiah S. Black, and William E. Chandler Papers in the Library of Congress with the aid of Mr. Jacob Weissfeldt, but found little of value. Access to the Bristow Papers, still in private hands, has been denied me.

Fish knew that Ben Butler had also enlisted in the movement. Just before Christmas, 1874, Butler, now a lame-duck but as self-assertive as ever, called at the Secretary's house. His purpose was to apprise Fish that Bristow and Jewell were aspirants for the Presidential nomination, and hence not indefeasibly loyal to Grant—who was believed by many to desire a third term. He poured out a characteristic stream of mendacious detraction. Jewell, he said, had made an improper departmental report; Bristow's adoption of safety locks for transporting bonded goods was a "job," and "if the thing is pressed it will be found that an autograph letter of the President's was written urging issuance of a contract for them"; both men were lusty self-advertisers. Obviously he had been giving Grant the same malicious views. "It looks as though Butler means mischief," commented Fish.² Bristow did have ambitions for the Presidency—for which he was well qualified. But both he and Jewell were perfectly loyal to Grant, and of stainless integrity. Butler's real objection to them was that they were reformers. Jewell in these days was writing Elihu Washburne admiringly of Grant—"He is so honest and outspoken." He was writing also of his own high purposes. "I am afraid there is a growing feeling of distrust of our Administration. . . . We can only hold our ground by deserving it. I am very anxious to have a strong effort made in the direction of a pure Administration, so that we may regain what we have lost. I think we can carry the country next year, though I am not by any means certain of it. I wish some of our friends could see the importance of the cleaning-out process, but I am afraid they cannot. Meantime a few of us are pegging away as best we can."³

Still another man was eager to get Bristow out of the Administration—Secretary Delano of the Interior Department. General Cowan, his Assistant-Secretary, told Jewell in December, 1874, of Delano's activities, and frankly described his motive—if reformers like Bristow commenced inquiring into the Department, they would find it "rotten from top to bottom."⁴ Indeed, men on the inside of government affairs had long wagged their heads over Delano. Fish had once received a letter from a Chicagoan named Van Doren, making grave charges against him, and offering to supply proofs. Boutwell had been suspi-

² Diary, December 2, 1874.

³ Jewell to Washburne, December 5, 1874, April 23, 1875; Washburne Papers, Volume 90.

⁴ Diary, December 19, 1874.

cious of his son's activities. He had told Fish in 1873, to quote the diary, "that John Delano, who was always accompanying his father, was not to be trusted, that he was notoriously in many discreditable schemes, that he had followed up to the Treasury Department some very unworthy Indian claims, urging their allowance; . . . that while he regarded Delano as an able man and thoroughly honest, he had in the Internal Revenue Department exhibited a want of administrative capacity. . . ." Fish had warned Grant, but without result. John Sherman also had said mysteriously in 1873, "Some things will shortly come out with reference to Delano." The sympathy of the sly Secretary of the Interior with the group arrayed against the aggressively honest Bristow could well be understood.⁵

Immediately after New Year's Day, 1875, Bristow himself called on Fish and poured out a new tale of woe—and of scandal: ⁶

He says that his position in the Cabinet is not satisfactory, that he has a high regard for the President but that he is the object of a plot to have him removed. That Delano is determined to undermine him and is working to that end; that General Cowan called upon him saying that he felt it his duty to let him know of Delano's intrigues; that he, Cowan, was dissatisfied with Delano's course and felt that it was unjust and unfair towards him, Bristow.

That there were things in the administration of the Interior Department that compelled him (Cowan) to withdraw from it and that he intended shortly to do so; that the Department was thoroughly corrupt and that exposure must soon come and he wished to be out of it in time.

Bristow had curtly asked Cowan why he did not inform Grant of the abuses, and Cowan had replied that tale-bearing would be "disloyal" to Delano as his chief! But he professed willingness to tell all that he knew if Grant formally requested it. Bristow continued:

He says that Babcock is engaged with Delano in the efforts against him [Bristow]. He refers to a conversation in Cabinet on Tuesday about the "Colorado Land Thieves" and asks if I remember Delano's proposition to change all the Territorial officers, including Mr. Cook. He says that Mr. Cook and John Delano were engaged in the land frauds, and have quarrelled about the division; that Cowan tells him that Delano (the Secretary) was also interested deeply with them in their fraudulent practices.

From this Bristow turned to other members of the Kitchen-Cabinet:

⁵ Diary, March 16, 1873, October 12, 1873.

⁶ Diary, January 5, 1875.

In the course of the conversation Casey is mentioned, and I refer to the delicacy arising from his relations to the President, but express a want of confidence in him. Bristow says that in a recent case Casey had obtained \$4,000 for his interference in a revenue case pending in one of the Northern cities.

I ask him if it be the case of Pratt & Boyd in New York. He replies in the affirmative and expresses surprise that I had heard of it; says that he had been informed by Pierrepont within the last day by letter, and wishes to know how I obtained the information. I decline telling him further than that I heard of it nearly a fortnight since from a young Republican, and ask whether he knew that Ingalls was engaged with Casey in the matter; he had not heard that. I tell him that such was my information.

He refers to a conversation with the President a few days since at which I was present, when the President told him that he must remove Taylor, the First Comptroller of the Treasury, saying that he had been behaving badly, and was disgracing himself in public places.

Bristow says that the ground for objection to Taylor is that he is one of the Auditing Board of Claims against the District Government, and that he has refused to pass some claims, which is the reason for the influence brought on the President to remove him.

He suggests the name of Babcock in connection with this.

The eternal cabal—with Babcock always its centre! During a Cabinet meeting on January 15, which dealt with such routine matters as reciprocity with Hawaii and a postal convention with Canada, Fish left the room to obtain a book. In the secretaries' office he found Casey and Babcock in close conversation. "I may look out for some development," he wrote in his diary. And sure enough, three days later the White House organ, the *National Republican*, printed an article upon pending financial legislation which Fish regarded as a palpable stock-jobbing manoeuvre to affect the markets.⁷

All winter the half-covert attacks upon Bristow continued. The still-powerful Alexander H. Shepherd shortly joined hands with Delano, Babcock, and Butler. He was no longer municipal dictator in Washington. Congress in 1874 had set up a new government of three commissioners for the Federal District. When Grant had taken the extraordinary step of naming Shepherd as provisional commissioner, Senator Edmunds had bluntly declared the nomination an insult to the country; Senators Thurman and Allison had described in frank language what knaveries the District investigation had revealed; and the

⁷ Diary, January 15, 18, 1875.

Senate rejected him with only six votes in his favor.

But he was still often at the White House, and a curious episode had just shown how potent his influence over Grant remained. Washington was greatly diverted during the latter half of 1874 by the so-called Safe Burglary affair, for implication in which Harrington, Assistant Federal Attorney, and Whitley, chief of the Treasury secret service, with others, were finally brought to trial. The accusation against them was not burglarizing a safe at all. It was conspiracy to injure an active Washington reformer, Columbus Alexander, by trumping up a burglary charge against him.⁸ Alexander had been a leading figure in demanding investigation of Boss Shepherd and the District Ring; and his enemies had tried to discredit him by this charge of committing burglary to obtain evidence. There is little doubt that Harrington and Whitley were conspirators against Alexander.⁹ They were connected with Boss Shepherd's organization, the motive was clear, and the evidence against them strong. Yet late in November, 1874, while Harrington was still under criminal indictment—the jury shortly afterward disagreed on his guilt—Grant invited him to a White House reception!¹⁰ This courtesy (performed the same week that he appointed his brother Orvil Grant to the most lucrative Indian post-tradership in the West) was a defiant advertisement of the President's faith in Shepherd.

Poor Bristow might well feel in a perilous position, and Fish might well agree that the situation was growing intolerable. The two again bitterly discussed the situation on February 21. Fish's record ends with some grim words: "He talks of resigning, and thinks that he may feel compelled to do so. He refers to the frequent newspaper paragraphs of probable changes in the Cabinet on or after the 4th of March and to the rumours of my going out. I tell him that I am more than willing to go, and have within a day or two so written to a friend (Gov. Clifford). . . ." ¹¹

I

But by March, 1875, Bristow was at last accumulating the evidence needed to break up the Whiskey Ring and jail its leaders, and realized that he must at all costs cling to office until he had slain the octopus. He had lighted upon authoritative statistics, issued by the St. Louis Mer-

⁸ Best account in N. Y. *Evening Post*, November, 1874.

⁹ *Nation*, December 3, 1874.

¹⁰ *Ibid.*

¹¹ Diary, February 21, 1875.

chants' Exchange to glorify the city, showing the amount of liquor shipped from it. Comparing these figures with the tax-receipts, he found that only about one-third of the whiskey had paid taxes.¹² George W. Fishback, who had bought the St. Louis *Democrat* from McKee, helped him devise a method of discovering the culprits. Elaborate precautions were taken to keep all steps secret from the Internal Revenue Service, plainly honeycombed with corruption. A new cipher was devised; no departmental officer save the Solicitor of the Treasury, Major Bluford Wilson, was informed of the relentless investigation under way. Bristow borrowed from the *Democrat* its efficient commercial editor, Myron Coloney, an expert in collecting data upon shipments. He corresponded with him only through a private citizen in Washington, for the postoffice had its spies. Coloney and a trusted Treasury agent, Yaryan, who went to St. Louis ostensibly to investigate delinquent railroad taxes, checked all railway and steamboat bills of lading to obtain accurate figures upon the shipments of liquor. The data they collected revealed the precise place, time, and scope of tax evasions. They also posted secret operatives near distilleries to check the movements of grain and whiskey; although these men were ultimately discovered and driven off, they obtained conclusive evidence of extensive night-shipments, an act illegal in itself.¹³ During March and April evidence was gathered by similar methods in Chicago, Peoria, Milwaukee, Indianapolis, and New Orleans.

At last, on May 10, his preparations completed, Bristow ordered sudden and concerted raids upon all suspected houses to seize books and papers. Despite his pains, news of his intention somehow leaked out in Washington. Ring members had telegraphed to St. Louis: "The plague is advancing west. Advise our friends to leave the city." But it was too late. On the day named, the trap was sprung simultaneously in St. Louis, Milwaukee, and Chicago. Sixteen distilleries and sixteen rectifying establishments were seized. Their ledgers and files revealed a mass of fresh evidence, arrests were made, and in half a dozen cities the grand juries were shortly returning indictments. Many culprits fled to Canada. The facts unearthed were truly staggering. In fourteen months five members of the Ring in St. Louis had divided \$250,000. The Commissioner of Internal Revenue found that in ten months

¹² Woodward, *Meet General Grant*, 420.

¹³ Bowers, *Tragic Era*, 465 ff.; H. V. Boynton, *North American Review*, October, 1876.

(July 1, 1874–May 1, 1875) the government had lost \$1,650,000 in taxes on merely the transactions which were brought to his notice. In two years it was conservatively estimated to have lost \$4,000,000—some figures went much higher.

Immediately after the raids Fish, as a diary entry for May 22 reveals, learned for the first time that Babcock was involved—no overwhelming surprise to him:

Bristow tells me that Babcock is as deep as any in the Whiskey Ring; that he has most positive evidence, he will not say of actual fraud, but of intimate relations and confidential correspondence with the very worst of them.

That a man . . . appointed at St. Louis on Babcock's recommendation (McDonald) was the centre pin of the plot. . . .

There follows in the diary another of those reports of Grant's words which would seem incredible had they not been put in black and white at the time. "Well, Mr. Bristow," he said just after the raids, "there is at least one honest man in St. Louis on whom we can rely—John McDonald. I know that because he is an intimate acquaintance and confidential friend of Babcock's." "Mr. President," replied Bristow, "McDonald is the head and centre of all the frauds. He is at this very time in New York ready to take a steamer on the first indication of any effort to arrest him."¹⁴

Was the Machiavellian secretary to the President at last squarely in the net, floundering in the toils? It might be; but his audacity knew no bounds, his hold upon the President was too strong to be easily loosened, and unless positive proofs were assembled against him the outcome of the struggle which lay ahead would be dubious.

II

The struggle was complicated by the necessity, by now clear even to Grant, of replacing Attorney-General Williams and Secretary Delano with men of greater ability and probity. Since the cabal surrounding the President valued Williams for his pliability and Delano as an active ally against Bristow, it fought their dismissal to the last ditch. When defeat became certain it endeavored to control Grant's new appointments. Babcock apparently resolved, in desperation, that if these men went he would attempt to make Ben Butler Attorney-General, and his

¹⁴ Diary, May 22, 1875.

own uncle, J. Russell Jones, Secretary of the Interior. This also sounds incredible; but Fish's diary contains much evidence of it. If he could succeed in this, and in averting the civil trial whose threat he perceived as soon as Bristow raided the distilleries, he might yet maintain his sway. He was playing for great stakes against desperate odds.

In getting rid of Williams the better element in the Cabinet were aided by the unexpected intervention of Mrs. Grant. Just before Christmas, 1874, a White House reception was tendered the King of Hawaii, at which Fish, as Secretary of State, presented a large company to the visiting monarch. When Mrs. Williams entered the East Room she was received by Mrs. Grant with icy frigidity, of which she subsequently complained to Babcock and others.¹⁵ As it appeared later, her gossiping tongue had given offence. A few days afterward Mrs. Grant, dining at Postmaster-General Jewell's, told him that the Cabinet ladies were not expected at the President's reception on New Year's Day—an astonishing announcement. Meeting Mrs. Fish later that evening at a ball, she said she wished her to be present, but not all the Cabinet wives. When Mrs. Fish remonstrated against any discrimination, Mrs. Grant persisted that the presence of some of them—she meant one—would not be desired. Fish wrote two days later: ¹⁶

I spoke to General Babcock on the subject, who told me that he felt that no discrimination should be made, and had already talked to the President on this subject, and inquired whether he might not refer to the conversation with me in again talking with the President.

I authorized him to do so.

Today a written invitation was sent by General Babcock in the name of Mrs. Grant asking Mrs. Fish to be present with the ladies of her family. I presume therefore that this difficulty has already been overcome, and that similar invitations have been extended to all the ladies of the Cabinet.

But it was significant that the President immediately suggested appointing Williams to the Russian mission. Fish successfully blocked this move, showing that the nomination would be very repugnant to Senate and public, and would excite unpleasant criticism.¹⁷ Within a few weeks new charges against Williams were being confidentially discussed. Postmaster-General Jewell reported one day that he had lately asked Grant whether he objected to plain-speaking even if it affected a

¹⁵ Diary, December 24, 1874.

¹⁷ Diary, January 2, 1875.

¹⁶ Diary, December 30, 1874.



THREE CABINET MEMBERS
Akerman, Cameron, Delano

member of the Cabinet. "Certainly not," said Grant, "I always wish the Cabinet to feel entirely free to make confidential communications to me." Thereupon Jewell stated that he had learned from Senators Edmunds, Carpenter, Sherman and others that an investigation by the Judiciary Committee had developed facts which, if Williams remained in the Cabinet, would result in exposures very damaging to the Administration.¹⁸

The laxity with which Williams had long conducted his office had lately, in fact, crossed the line of corruption. From what Fish learned, Mrs. Williams was largely responsible. Expensively dressed, living fashionably on Rhode Island Avenue, keeping a fine equipage, entertaining well, she had exceeded their means. Queer rumors were now afloat. Men whispered that the Department of Justice had brought suit against the New York mercantile firm of Pratt & Boyd to recover large sums for fraudulent custom house entries; that a certain lady had asked \$30,000 for stopping the suit; that—after the intervention of Grant's brother-in-law Casey and Babcock's close friend Rufus Ingalls, as mentioned above—large sums had been paid her and others; and that the suit had suddenly been dropped. Secretary Bristow, who had gathered most of the evidence against Pratt & Boyd, knew of these stories, as did Jewell. On hearing them Fish felt that the President needed his counsel. Jewell, indeed, had reported Grant as saying something about the Secretary's reticence and reserve, and about missing his advice. The night of April 12 found the Secretary writing:

I therefore took occasion today to speak to the President, referring to this statement of Jewell's and saying that it might possibly be that I had not had the opportunity of late of communicating as frequently or confidentially as formerly, but it was because the opportunity had not been presented, that there was no diminution of friendship or kind feeling. He expressed surprise and had no recollection of a conversation with Jewell of the nature referred to.

He then said he would say to me in confidence what he had proposed to delay saying to any of the Cabinet, but that he supposed that I was aware of what had taken place in connection with certain matters relating to the Attorney-General.

That he was expecting and thought he should have received his resignation; that Falls, the chief clerk in the Department of Justice, appeared to be giving information to the Manhattan Club in New York [a Democratic organization] of transactions involving the Attorney-General of a very serious

¹⁸ Diary, March 12, 1875.

nature; that he had a high respect for Williams but feared that he had been entrapped, or that transactions had passed through his hands without his notice, for which he could not fail to be held officially responsible, of a very disreputable nature; that Conkling had brought these things to his notice; and he had suggested to Williams that his resignation would be accepted.

Williams had offered it, either to take effect immediately or to send it in at the close of the term of the Supreme Court. He had therefore requested him to give him the resignation at present, to take effect at the end of the term.

Grant and Fish then discussed the possible appointment of Edwards Pierrepont to the vacancy. From his own point of view, Fish remarked, it would be "a very agreeable selection." It would give New York two Cabinet members, and perhaps displease Conkling, but Grant inclined toward it. Pierrepont was a lawyer of long experience and high position at the bar. His character and ability would go far to protect the Department of Justice from Democratic investigations, which Grant said he wished to avoid at all costs. Indeed, Grant appeared distinctly apprehensive, for he had heard from Bristow of "very alarming" acts of Williams's and wished them kept under cover. Fish learned with surprise that he had known nothing of the payment of \$30,000 to a "certain lady," but the President spoke of anonymous and scurrilous letters that had been traced to her by peculiarities of phrasing and handwriting.¹⁹ Mrs. Williams, in fact, had been engaged in nothing less than attempted blackmail in an effort to keep her husband—who should have been dismissed long before—in office.

Grant decided to call a special Cabinet meeting upon the Attorney-Generalship for Monday, April 26. On that date four members, Fish, Robeson, Belknap, and Jewell, were suddenly summoned to a White House conference. They had known nothing of the matter in advance—but the sleepless Babcock had. Realizing that Pierrepont's appointment was imminent, the private secretary notified Horace Porter, Judge Carter, and other New York friends. Bristow happening to be in New York, Carter paid him a Sunday afternoon call. After suggesting that Ben Butler would make an admirable Attorney-General, he declared that Butler, if given the office, would engage to support Bristow for the Presidency! Porter also saw Bristow, and mentioned that a special meeting of the Cabinet, or part of it, would be held next day to consider departmental changes. The vigilant Secretary of the Treasury instantly

¹⁹ Diary, April 12, 1875.

grasped what was afoot. Sitting down, he wrote Grant a letter strongly urging Pierrepont for the Attorney-Generalship, and hastened out to post it.²⁰

But on the 26th all obstacles melted away. It transpired that Conkling quite approved of Pierrepont. Fish, urging his nomination, was supported by Robeson, Belknap, and Jewell. Grant therefore decided to send it in at once. When asked whether it would not be better to ask Pierrepont's acceptance first, he characteristically decided to send him the commission and take the acceptance for granted! But this particular Barkis had been notoriously willing. Before the end of May, 1875, he was untangling the confused skein which Williams had left.

By this time Delano should also have been dismissed; but once more Grant demonstrated his reluctance to oust a subordinate "under fire." To do so conflicted with all his ideas of discipline, all the concepts of the long-friendless man upon loyalty to an adherent. Perhaps, too, Grant drew from a comprehension of his own blunders some sympathy for others who failed; and except when confronted with unescapable evidence, he was unwilling to believe that any associate had committed moral wrong. To the very last he tried to explain the delinquencies of Williams and Delano in terms of bad judgment, acts of bad associates, or newspaper lies. It appears that both should have been impeached; certainly Williams deserved it. Yet as late as April 29 Grant, according to Fish's diary, "spoke very kindly of Williams personally but lamented the influences surrounding him, [saying] that they had been brought by those in whom he had a right to have confided." He behaved in precisely the same way with Delano.

On April 9 the President had revealed that he knew well enough what was going on in the Interior Department, for the diary contains the significant entry: ²¹

At Cabinet, Cowan represented Delano. The President told Cowan not to allow any more land warrants to be issued on pension claims.

He says that there is at least one firm in this city which has possessed itself, possibly through collusion with some persons in the office, of the names of those soldiers of the Revolution and of the War of 1812 who have not drawn their land warrants, and that fraudulent claims are presented in the names of these persons and warrants immediately issued; that these warrants are worth from \$160 to \$200 each.

²⁰ See what Bristow told Fish, Diary, May 17, 1875. ²¹ April 9, 1875.

He was very peremptory in the direction to Cowan, using the expression, "Not another one from this moment." Cowan assented to the correctness of the fact stated by the President, and said he had been endeavoring to ferret out the parties.

I thought that there was a reserved thought on the part of the President in his reference to persons in the office supposed to be implicated.

There have been rumours current for several days affecting the head of the department.

We have seen how long the inner circles of the capital had been buzzing with sinister reports about Delano. The *Tribune's* Washington correspondent in April, 1875, published them in detail, asserting categorically that "corruption has at last been traced within the bosom of the Secretary's family"—by which it meant John Delano, the son.²² Other newspapers made similar charges. Yet on the 29th Grant, in a confidential talk with Fish, told him that Delano would not yet resign, nor did he wish him to. "I think he has managed the department elegantly," he added, "and whatever wrongs may have been done were without his knowledge." He admitted that John Delano had been caught red-handed in corrupt transactions in Wyoming, but asserted that the Secretary was not involved and possessed no knowledge of the acts. Doubtless Delano had defended himself volubly—Rutherford B. Hayes tells us that he was "a good specimen of the lively earnest style of Western talkers"—and Babcock had of course stood up for him. But Grant's statement was too much for Fish, who interrupted:

I tell him that while I have personally liked Delano and have no knowledge of my own on the subject, I feel it right to tell him what may have been represented on the subject which I suppose to be worthy of credit; that I had been informed that the same party who transmitted the charges also asserts that he had seen a letter from Delano to Silas Reed (a surveyor) thanking him for what he had done and for the payments made to John Delano; that I was also told that General Cowan, when these charges were mentioned to him, had remarked that it was but a small thing when compared to others that were continually occurring. He replied that he must then allude to other transactions of John Delano, of which the father knew nothing; as I was only re-

²² N. Y. *Tribune*, April, 1875. For a mass of material upon Delano's misconduct of Indian affairs, see House Report No. 98, 42d Cong., 3rd Sess., No. 778; House Report No. 778, 43d Cong., 1st Sess.; House Misc. Doc. No. 167, 44th Cong., 1st Sess. A charitable historian declares that while he was "probably personally honest" he was "woefully lacking in high ideals of public service or an appreciation of the responsibility of a department chief." E. J. Benton, *Dictionary of American Biography*. It is perhaps not without significance that the whiskey frauds had developed greatly while Delano was Commissioner of Internal Revenue; Oberholtzer, *United States*, III, 167.

peating what I had heard, I expressed the hope that this might be so.

I inquired whether any Senator had spoken to him on the subject; he replied Morrill of Vermont had, but neither Conkling, Edmunds, or Anthony had. I told him I understood they all, as did also Frelinghuysen, express much concern. He said that Edmunds and Morrill, while both very good men, were always inclined to [credit] whatever the *Tribune* or the Springfield *Republican* said, and that whenever these sheets made charges against an officer of the government, accept them.

Grant concluded the conversation by saying, "If Delano were now to resign, it would be retreating under fire and be accepted as an admission of the charges." Fish did not tell him what he knew without being told, that it was the duty of the President to order an inquiry; for it was obvious that Grant's whole desire was to avoid investigation.

In June, it appeared later, Delano did go to Grant and offer his resignation, which Grant refused on the ground that he disliked the nature of the current attacks and the men making them.²³ No one else knew this at the time. So far as the other Cabinet members could guess, Delano might remain until March 4, 1877. As criticism of his record grew more serious, he merely struck out at Bristow more savagely. Feeling between the two became intensely bitter. On June 16 Attorney-General Pierrepont came to Fish in great anxiety. He said that Bristow was again so much distressed by the retention of Delano that he might resign at any moment, a step which would be a capital misfortune to the Republican Party and the nation. He urged Fish to go with him to Long Branch and try to persuade Grant to replace Delano before June 30, the end of the fiscal year. On June 21, they made the long trip. They besought Grant earnestly to take action. But he had just rejected Delano's resignation, and the interview was so discouraging that Fish did not even describe it in his diary.²⁴

A few weeks later Fish's antagonism toward Delano was increased by an episode which, though trivial in itself, was distinctly irritating. In July the Cabinet discussed certain troubles with Venezuela which threatened to necessitate the recall of our Minister. Next day the press carried a full account of the conversation. Noticing it, Grant sent Fish a note emphasizing the rule that all Cabinet deliberations should be confidential unless publicity were explicitly authorized. "I write to you, my dear Governor," he concluded, "as the head of the

²³ Grant to Fish, Long Branch, September 10, 1875; Fish Papers.

²⁴ Diary, June 18-23, 1875.

Cabinet . . . to lay this matter before your associates in such manner as you may deem most proper. If there is eavesdropping, it should be corrected. If the result of pumping by correspondents, they (the correspondents) should be avoided.”²⁵ At first Fish suspected Jewell, who was fond of having reporters about him and sometimes talked incautiously. But he denied that he had said a word; and Pierrepont then learned that Delano had communicated the proceedings to Gobright, the representative of the Associated Press, who had told all Newspaper Row.²⁶

During the summer of 1875 the duel between Delano and Bristow threatened, like that between Jefferson and Hamilton in Washington's Cabinet, to involve a large part of the press. Delano tried to inspire articles showing that the attacks upon him sprang from men eager for political advancement, or balked in efforts to control the Interior Department. Bristow learned that a Washington dispatch in the New York *Herald* for July 24, levelling an accusatory finger at him, had actually been written in the Interior Department. “I will not submit to Delano's insinuations,” he told Fish,²⁷ and immediately penned a counter-attack which appeared in the *Tribune* for the 26th. In a long talk with Fish that day he expressed great dejection, and again threatened to resign. Of course Fish remonstrated. But Bristow declared that the enormous influence, both moneyed and political, which his exposure of the Whiskey Ring had arrayed against him, had made his position almost intolerable.²⁸

Meanwhile Delano found a new critic in Professor O. C. Marsh of Yale, a paleontologist who on the basis of personal observations among the abused Sioux in the Northwest published grave charges of graft and mismanagement in Indian affairs. Addressing Grant directly because, as he wrote, he distrusted Delano, he intimated that the Secretary was protecting a corrupt “Indian Ring.” Delano met Marsh at breakfast in a Washington hotel this summer and poured out a flood of abuse, calling him “liar” and “poltroon.” But Marsh kept his temper until the Secretary, exhausting his vocabulary, departed.²⁹

At last, in the middle of August, Grant did secretly accept Delano's resignation; but it was not to take effect until October 1 and was to be kept quiet until the Secretary selected his own time and method of

²⁵ Grant to Fish, Long Branch, July 14, 1875; Fish Papers.

²⁶ Diary, July 13, 14, 20, 1875.

²⁸ Diary, July 26, 1875.

²⁷ Diary, July 25, 1875.

²⁹ *Nation*, August 19, September 16, 1875.

announcing it. Fish did not learn of it until September 11, when Grant notified him that he intended to leave for St. Louis in about ten days, and wished to have the question of Delano's successor laid before the Cabinet "as soon as you know I have passed Columbus, Ohio."³⁰ The President suggested that the Cabinet consider ex-Senator Scott, Wayne MacVeagh, and G. Dawson Coleman, all of Pennsylvania, ex-Senator Pratt of Iowa, and L. S. Felt of Illinois. He was making preparations for a sale of stock from his farm near St. Louis, and as he would not leave that city until about the 28th, asked to be informed of the decision by mail. Fish conferred with the only Cabinet members in Washington, Bristow, and Jewell. They were the three most upright and independent members of the Administration, and they resolved to tell Grant bluntly that several of the men proposed would not do. Fish wrote the President:³¹

The members of the Cabinet present were entirely agreed upon each of the following points:

I. That in view of the near approach of the Presidential election and the great importance of the immediately impending elections, it would be of doubtful expediency, if not a dangerous experiment, to bring at this time into the Cabinet any gentlemen not sufficiently known to the public, [so] that they would have to learn his competence after he takes office.

II. That the great financial question is at this time predominant, and that it seems essential that anyone now to be brought into the Cabinet should be not only sound on the financial question, and fully in accord with the hard money doctrine on which you have planted the Administration, but that his record on this paramount question should be such as to preclude criticism.

III. That although all of the gentlemen named in your letter of the 10th were not personally known to all three of us, we are satisfied that an association with either would be personally agreeable—Governor Jewell desired it to be stated that he personally knows Mr. Felt and has entire confidence in his ability and integrity—but he adheres to the *first* point stated.

The view taken in the *first* point, if accepted, would reduce the names suggested to three.

The controlling importance attached to the *second* point, and the fact that two of these three names had recently been in the Senate, led to an examination of some of the debates and proceedings in the Senate on April 28, 1874. On the passage of the bill over your veto which gave hope and laid the foundation of a restored credit and a sounder currency, one of these Senators (Pratt) voted to override the veto, the other (Scott) voted to sustain it. Should this reduce the number to two gentlemen from Pennsylvania (Mac-

³⁰ Grant to Fish, Long Branch, September 10, 1875; Fish Papers.

³¹ Fish to Grant, Washington, September 24, 1875; Letterbooks.

Veagh and Scott), we are not prepared to entertain any preference between them. . . .

It was with great hesitancy that we approached your request that other names . . . should be canvassed, but the confidence implied in the request, and the importance of the appointment to be made and its effect on the public mind, led us to a consultation, from which we almost withdrew in hesitancy, not knowing how far the suggestion of John B. Henderson's name might fail to be personally acceptable to you. My own acquaintance with him is comparatively slight, but General Bristow and Governor Jewell know him more intimately, and unite in attributing to him high character and very eminent qualifications. My own slight acquaintance with him leads me to concur in their estimate.

John B. Henderson of Missouri, who as Senator seven years earlier had courageously stood with Fessenden, Lyman Trumbull, and four other Republicans in acquitting Andrew Johnson, would have been an ideal addition to the Cabinet. But would Grant's hatred of Johnson permit his appointment? The President lingered in the West, making an address to the Army of the Tennessee which attracted much attention. Declaring that the next civil contest would not be between North and South, but between "patriotism and intelligence on the one side, and superstition, ambition, and ignorance on the other," he denounced sectarian encroachments upon the common school system and sectarian meddling with politics. This ill-veiled attack on Catholicism puzzled observers.³² By October 14 he was on his way back.

That day Fish, travelling to the wedding of Bancroft Davis's son in Newark, heard from Robeson an astounding piece of news.³³ The President had offered the Interior Department to Babcock's uncle, J. Russell Jones—an act in which Babcock's fine Italian hand was plainly evident. Happily Jones had declined. But with only less dismay Fish learned that Zachariah Chandler had accepted the place. Gone were the dreams of Henderson or Wayne MacVeagh strengthening the Cabinet! The President had obviously been prompted by his bad advisers to act with haste. Fish shortly entered in his diary: ³⁴

Returning yesterday from New York, Secretary Bristow got on the train at Philadelphia, and in speaking of Chandler's appointment as Secretary of the Interior Department, he said that he had dined the night before with

³² *Nation*, October 7, 1875.

³³ Diary, October 14; Robeson had the news from Horace Porter, who had it well in advance of any of the Cabinet—from Babcock.

³⁴ October 26, 1875.

Mr. Borie, who, as he says, "sometimes tells things without meaning to do so," who told him that being with the President on his tour to Colorado, when they reached Pittsburgh on their return, Chandler entered the car, having arrived at Pittsburgh from Detroit some hours previously by a train which he left at Pittsburgh to wait for the President; that on entering the car he remarked to the President that he had received his letter and was much gratified to him for the offer made, and that he had concluded to accept it.

Bristow further stated that when Chandler was in Washington (later) he positively declared that he had no idea of the offer until after he had reached Washington.

The appointment of Chandler, in fact, had been managed by Babcock in a fashion positively insulting to several Cabinet members. A definite offer had been made Chandler by the 14th. Yet when Grant presided over a Cabinet meeting on the 15th he treated the subject as still open. He said that he believed Chandler's appointment, if made, would be well received by the country; and when Bristow and Pierrepont protested that they held an entirely different opinion, it was decided that the matter should be taken up again on the 19th, when Fish might be back from New York. Marshall Jewell and Bristow at once sent Fish word to hurry back, and John L. Cadwalader mailed him a warning letter. He reported that Bristow thought this "a move on the part of the Kitchen Cabinet at the White House to cover up something." His own opinion was that the plot possibly went deeper; that the Kitchen Cabinet had planned to place Chandler and Bristow at loggerheads, and thus get rid of the latter as "too troublesome." As the above entries show, Chandler had come to Washington with Grant, and actually the President had fully resolved on the appointment. On the morning of the 19th the commission was signed, Chandler was sworn in, and when the Cabinet meeting opened there he sat in Delano's chair!

What Bristow thought of this we may easily guess. What Fish thought is made clear by a scorching letter of October 20 (he had been detained at Garrison) to Cadwalader. He believed the appointment a grave mistake; Chandler, though incorruptible and generous, was violent of temper, hasty in judgment, fond of excitement, averse to labor, and surrounded by the worst type of politicians. But it was the manner of the appointment which chiefly outraged him. After asking the confidential advice of his Cabinet, Grant had completely ignored—had not even acknowledged—their suggestions. Without a word to them, he had offered the place to a man whom he had recently told Fish he would not think of appointing.

While the Cabinet remained in ignorance, Horace Porter had known instantly of the offer to J. Russell Jones and its rejection. Porter had also known of the definite offer to Chandler at least two days before the Cabinet was told that the matter was still open! "All this," Fish wrote Cadwalader, "shows an intimacy [as] illegitimate and unknown to the Constitution as it is derogatory and evincing want of confidence and of decent respect toward the members of the Cabinet."

Few Administration newspapers defended the appointment of so ardent a spoilsman. The best praise of the *New York Times* was that Chandler was a good man "to sit up nights and tell stories," the best praise of the *Boston Advertiser* that he was "a much more honest man than his enemies give him credit for being." The Michigan Legislature, amid the plaudits of reformers, had just declined to reelect him to the Senate. His part in the expulsion of Jacob D. Cox was still remembered. A rich man, he was above financial temptation, but he represented a coarse political school, his personal habits were bad, and his associates were untrustworthy. Ill-tempered and noisy (in Civil War days he had been called "Xantippe in pants"), he had the reputation of a blusterer. His first important act, the dismissal of Chief Clerk Grinnell of the Patent Office, caused a sensation; for Grinnell had risen by patient endeavor, and was one of the ablest and most conscientious of all bureau officials.³⁵ He was kicked out (not even being allowed to resign) for the worst possible reason, his refusal to pay a political assessment that fall. E. L. Godkin commanded general agreement when he wrote that Chandler's appointment, "so close to the scandals which have just led to the retirement of his predecessor, cannot but be regarded as a fresh proof either of General Grant's contempt for the moral sense of the best portion of the community, or of his inability to comprehend it, and is of a piece with the renomination of Boss Shepherd."³⁶

No one felt this more keenly than Fish. He had long disliked Chandler's influence over the President. That very summer he had received a letter from Grant which shocked him. Written apropos of a campaign circular which Chandler had just helped to draw up, and at a time (July 2, 1875) when Chandler was staying with the President at Long Branch, it read as follows:³⁷

³⁵ *Nation*, November 25, 1875.

³⁷ Fish Papers; Cf. Diary, July 8, 1875.

³⁶ *Nation*, October 28, 1875.

I have just been shown a circular which it has been intended to distribute among Federal officials with the view of soliciting contributions (voluntary ones; for it does not contemplate that any one should be compelled to respond on pain of losing his position) for the laudable (*sic*) purpose of maintaining the organization of the republican party. Money is necessary for this purpose, to buy and distribute documents, print tickets, send speakers into the field, etc., and I do not see that any parties are more directly interested in this than the office holders whose places yield them a compensation of more than \$1,000.00 pr. Annum. I understand it is to be distributed to none others.

You may say if you please to the balance of the Cabinet that my views on this subject are as here expressed.

This letter, a flat contradiction of Grant's statement in 1872 that "political assessments, as they are called, have been forbidden within the various departments," unmistakably expressed Chandler's code of ethics.

III

It was clear that Babcock was playing out his hand to the last card. His very audacity, as apparently he tried to thrust Butler and Jones into the Cabinet, and as he aided Zach Chandler to clamber there, commanded a certain respect. Throughout the summer, while Bristow assembled the evidence for his downfall, he displayed unshaken nerve. He continued to serve assiduously his old allies, Casey, Shepherd, Tom Murphy, and Rufus Ingalls, and trusted that in his hour of need they would serve him.

Babcock was no stolid, greedy plotter of the saloon back-room type; he was quick, alert, impetuous, daring, with the mien of a dashing soldier and the manners of a gentleman. Dressed expensively but quietly, looking with his imperial and moustache like a French staff officer, dexterous at turning a compliment or launching a sarcastic shaft, he was a formidable foeman. He was full of resource; defeated at one point, he would spring to another. In a different environment—under a Napoleon or Mussolini, who knew how to use an unscrupulous talent—he might have made a great name.

All spring Fish had fenced with him upon minor issues. One was an appointment for Tom Murphy's brother-in-law, Richard Gibbs, to some diplomatic post. Murphy urged it, Babcock supported him, and the President took their point of view. Gibbs had no visible qualifica-

tion beyond a knowledge of Spanish; but while living in Cuba he had lost his property, and Murphy was tired of supporting him. Though Fish protested repeatedly, Grant was persistent, and early in April appointed Gibbs Minister to Peru at \$10,000 a year.³⁸ Another issue was presented by Babcock's insistence on some post for a worthless New Yorker, Charles O. Shepard. Sent as consul to Kanagawa, Japan, he immediately quarreled with officers of the American navy. Fish wished to drop him entirely. But he was soon writing in the diary: "The President shows me a commission which Babcock had just laid on his table, of C. O. Shepard to Leeds, in place of Richards recalled. I made no comment, but handed him back the paper, which he signed. This is one of General Babcock's and General Meyer's appointments." ³⁹

A graver question was presented by Grant's effort, in which Babcock doubtless took a hand, to have wholly improper payments made to Tom Murphy. On January 27, 1875, Fish having gone to the Capitol to talk with various Senators on Canadian reciprocity, the expatriation bill, and other legislation, Grant followed him thither:

He sent for me to his room [writes Fish], and . . . refers to the amount due to St. Domingo for the lease of Samana Bay for the second year. He said that Murphy was nearly ruined, and had advanced some \$40,000 or \$50,000 on account of the rent, and that some others (without naming them) had also made advances; that the money ought to be paid; and that Conkling had spoken with him and suggested that I should bring the matter to the notice of the Committee on Foreign Relations.

I told him of the conversation which I had had, some months since, with Conkling, when he brought Murphy to my office, and when for the first time I heard or had any intimation or suspicion that any part of the money had been paid or that Murphy had any connection with it. I had told him that there was no fund out of which it could possibly be paid, and that Conkling at that time expressed himself to me as satisfied that nothing could be done without a specific appropriation of Congress, and had concurred in the opinion that the Administration could not afford to move in the matter.

He asked if it could not be paid out of the contingent fund of foreign intercourse. I explained to him that the appropriation only amounted to about \$100,000, and with the strictest economy the expenditures could only be kept \$2,000 below it. He suggested that an appropriation for \$150,000 might be made without indicating its object.

³⁸ Diary, January 26, February 5, March 8, April 6, 1875.

³⁹ Diary, March 15, 19, 1875.

I thought that it would be impossible, and he asked whether I could not suggest such an appropriation, informing the Administration Senators of its object. I replied that I could not; that the present temper of Congress and the public was such that no appropriation of the kind could be expected, and that it would be very damaging to him and the Republican Party for the Administration to propose an appropriation for the St. Domingo Treaty.

The President admitted that he was precluded from asking but thought that I might.

I replied that that would be more injurious to him than a direct proposal from himself, as I should only do it, if at all, under his instructions and it would be regarded as an indirect evasion, on his part, of the responsibility.

I called his attention to the fact that St. Domingo had never made any demands directly or indirectly from the government for the second year's rent. He said that it had been paid, he supposed, by Murphy and others. I had never, however, heard any other than Murphy's allegation of its having been paid by himself.

He finally remarked that he supposed that the only thing would be for the party to make application to Congress, to which I replied that I could suggest nothing, but that the Administration should take no part in it.

Murphy needed \$50,000; he alleged—Fish knew of no other evidence—that he had paid that much for a lease of Samaná Bay which Congress had never authorized; and the President of the United States asked that the money be secretly transferred out of some fund uncontrolled by Congress! On this comment would be superfluous.

Yet of a piece with it was the renewed effort of the White House cabal to place Rufus Ingalls in the quartermaster-generalship. The plan to create a vacancy by making Meigs Minister to Russia had failed. But in the spring of 1875 Meigs called disconsolately on Fish to exhibit an order from Secretary Belknap, written by direction of the President, detailing him to Europe for eighteen months to collect military information, especially upon quartermaster and staff appointments. The closing sentence stated that the object of his visit need not be made public. Though he ought to have been accredited by the State Department, as Naval Commissioners recently sent abroad had been, the order was a complete surprise to Fish. Taken in conjunction with the degrading suggestion of secrecy—for as Meigs said, no soldier would care to go as a spy—its object was plain. Meigs was to be gotten out of the way in order that Ingalls might seize upon his office. Bristow and Fish indignantly discussed this move. After remarking that Grant

and Belknap had jointly asked him if he could not pay Meigs's salary while in Europe "in gold," Bristow gave the Secretary of State a piece of confidential information: ⁴⁰

He says that he learns that Mr. Watson, who was formerly Assistant Secretary of the Treasury, last summer, when the effort was making to send Meigs to Russia in order to put Ingalls in his place, had stated that he had in his possession the history of a transaction which would expose Ingalls, and must prevent his confirmation and must show him unworthy of trust.

He understood that the papers had been withdrawn from file in the War Department but that he (Watson) had secured copies which he would make public in case of Ingalls's appointment.

While we do not know to what offense this refers, we do know that the inner gossip of Washington implicated Ingalls in both the illegal sale of arms to France and the "safe-burglary" conspiracy to protect the District Ring. And Fish's diary contains other suspicious bits upon Ingalls.

In the spring of 1875 the President, to make a place for ex-Governor W. Madison Wells of Louisiana, whom even Sheridan had characterized in 1867 as "a political trickster and a dishonest man," asked Attorney-General Pierrepont to call for the resignation of Fisher, the Federal District Attorney in Washington. Pierrepont sent for Fisher, and communicated the request. Without complying, Fisher hurried to Long Branch—not to see the President, but to see Babcock. At about the same time Alexander H. Shepherd also posted to Long Branch, taking Ingalls with him. They spent a day with Babcock, Shepherd sticking so closely to the secretary that nobody else could come near him. Later Ingalls indiscreetly told Ben Halliday (through whom the information reached Fish) that the object of Shepherd's visit had been to plead for Fisher as a means of keeping the safe-burglary case hushed up. If the district attorney were not treated well, said Ingalls, "the God-damned fellow would kick the blanket off and expose the damned corpse." ⁴¹ Once more the machinations of the cabal were successful. On July 19 Shepherd himself carried to the Attorney-General's office a letter from Grant, too precious to entrust to the mails, stating that

⁴⁰ Diary, May 22, 1875. Though Meigs made this European trip, it is pleasant to record that he was not forced out, remaining quartermaster-general until 1882.

⁴¹ Diary, May 20, 1875.

Pierrepont might suspend for the time being any action upon Fisher's case.

All this was sickening; and with a feeling of anxiety Fish confessed to his diary increasing doubts as to Babcock's financial honesty. Just after King Kalakua's visit Babcock handed the Secretary a bill for the printing and engraving of invitations to the White House reception. It came to \$250, though Fish was confident that in New York he could have had the work done for \$20.⁴² Babcock held the office of Commissioner of Public Buildings in the District of Columbia, and Fish suspected that he was making it decidedly profitable to such men as Shepherd. Throughout 1875 the Secretary of State, much against his will, conducted an undignified struggle with Babcock to obtain funds for the completion of the south wing of the new State, War, and Navy building, in which his department hoped soon to find shelter. An error in the estimates of the supervising architect, Mullett, with other complicating factors, made necessary a re-allocation of funds between the different wings; and to this Babcock's consent was necessary. He showed an obstructive spirit from the outset. At one point Fish caught him in a direct falsehood to the President about the reasons for this obstructiveness.⁴³ A little later Fish compelled him to return to the appropriation for the State Department's quarters \$2,370.73 which he had improperly used in work on the East Room of the White House and on the Scott Monument.⁴⁴ It was only after much vexation that he obtained the funds he needed.

And it was during this particular controversy that he became aware of Secretary Belknap's pitiable dependence on Babcock. The diary contains the two following significant entries:

Thursday, June 10, 1875.—I left this morning for New York. Last night I received a telegram from General Belknap, dated at West Point, saying that on the following day I would receive the paper which I had sent to him with his signature. He referred to the paper prepared by Taylor, the Comptroller, for the transfer of appropriation from the East Wing to that of the South Wing, of about \$137,000. I left the matter to Mr. Cadwalader, to attend to the transfer when the papers should be received.

Mr. Cadwalader telegraphed me that it was not received Thursday, but arrived in Washington late on Friday, when it came postmarked "Long Branch" and bearing one of the President's postage stamps. It has been pre-

⁴² Diary, February 9, 1875. In my opinion, the very able Babcock was avid of power rather than of money.

⁴³ Diary, April 12, 1875.

⁴⁴ Diary, May 22, 1875.

pared for Belknap's signature to precede that of the Secretary of State; he had transposed these and appears to have sent the paper to Babcock, without whom he can do nothing.

Monday, June 14, 1875.—I pay a visit to West Point, where General Belknap is staying, and he says that the transfer had been signed; I reply that I was glad to see he had sent it to the President for approval. He disclaimed, saying "*No*." He had sent it to Babcock to ascertain whether the amount stated was correct, as he professed to have no knowledge of the amount of the material.

I reminded him that the amounts had been stated in a previous correspondence and had been agreed upon before he left and that I had supposed that it was the President's approval, upon seeing the President's postage stamp. His private secretary, Mr. Barnard, was present and had been sent by Belknap to Babcock with the paper, and remarked that Babcock had put one of his own stamps upon it. The truth is, Babcock fancies himself President of the United States, and Belknap don't know better.

Fish added, with unwonted scorn: "Belknap referred to the transposition of the signatures and assigned as a reason deference to the State Department, which took precedence of the War Department. In fact, it is nothing but his moral cowardice, which wanted a name to precede his on the paper."⁴⁵

IV

Meanwhile, Bristow had energetically prepared to prosecute the Whiskey Ring thieves. In the spring of 1875 the Federal Grand Jury in St. Louis indicted McDonald, Joyce, and a host of other men, and McDonald was immediately arrested there, posting \$5,000 bail. Fish did not learn until later that Babcock's anxiety had been so aroused by the indictments that he asked Major E. B. Grimes, a St. Louis quartermaster, to call on Federal Attorney Dyer and ascertain his intentions. Grimes reported: "Colonel Dyer is as determined as Bristow, and tells me emphatically that if the President is in the Ring, he is going for him. I don't know what to make of it. But I have done all I can with him. Well, if he persists in covering the entire White House with disgrace, my suggestion would be to have him dismissed." Nor did Fish know that when Grant and Babcock made their September visit to St. Louis, Babcock repeatedly conferred with McDonald. According to McDonald's subsequent story, the two discussed their plight, the possibility of

⁴⁵ Diary, June 14, 1875.

blocking Bristow and Dyer, and even, if they should finally "hear the turn of the bolt," of obtaining a pardon. Grant himself met the indicted McDonald publicly, and expressed sympathy for him. When the President returned to Washington he manifested increased chilliness toward Bristow.⁴⁶

The Government employed two special counsel to assist Federal Attorney Dyer in the St. Louis prosecutions—ex-Senator John B. Henderson and Major Lucien Eaton. It made an exhaustive search for evidence. In November the trials began. On the 14th Fish read with gratification that John A. Joyce, a subordinate revenue collector, had been convicted; his sentence was a fine of \$2,000 and three and a half years in jail.

This first conviction had a touch of bouffe. Joyce obtained permission to make a speech from the dock. After denying his guilt, denouncing his enemies, and comparing the reform movement to a great miasmatic torrent which had wrenched many fair young oaks and tall sycamores from their roots, he remarked that "the flood even now is settling into its former bed, where the crystal waters shall again reflect the green foliage, the oak and the sycamore, and the gentle breezes and birds of spring shall make merry music in the aisles of a generous nation."⁴⁷ He also compared his fate with those of Galileo, Tasso, Columbus, and Napoleon. But as the trials proceeded the Ring found them no joke. Man after man was convicted. Judgments were obtained for large sums. On November 23 McDonald himself was found guilty and sentenced to three years in jail and a \$5,000 fine. Next day the trial of a Washington official, William Avery, chief clerk of the Treasury, began; and in the background loomed up the arraignment of a more important figure—Babcock himself.

Thus far Grant had given full support to the investigation and prosecutions. The cases in St. Louis, where the grand jury had returned 253 indictments in all, were a shock to him; but if he had shown no enthusiasm, neither had he evinced antagonism.⁴⁸ Grant had never known McDonald well, though he had accepted the superintendent's attentions at the St. Louis fair in 1874, and in his careless way had taken his gifts of game and fruit for the White House table.⁴⁹ When McDonald went behind the bars Babcock winced, but Grant was pleased that a treach-

⁴⁶ McDonald, *Secrets of the Great Whiskey Ring*, 201 ff.

⁴⁷ *Nation*, November 25, 1875.

⁴⁸ Coolidge, *Grant*, 476; Grayson L. Kirk, *American Mercury*, July, 1934, p. 483.

⁴⁹ Bowers, *The Tragic Era*, 466; Hesseltine, *Grant*.

erous official had received justice. The President at first turned a deaf ear to men who told him that the Whiskey Ring exposures were a plot against his own fame and the safety of the Republican Party. W. D. W. Barnard, a St. Louis banker and distant relative, sent Grant a letter in July denouncing Dyer and Henderson, declaring that their enmity to the Administration made it important to appoint additional counsel to keep a watch on them, and giving the names of several accused revenue-officers who had said that Babcock's fate was involved with their own. Grant read this in Long Branch. He at once forwarded it to Bristow with an endorsement that the latter, his position barely tenable, made haste to publish in order to strengthen his own hand: ⁵⁰

" . . . I forward this for information and to the end that if it throws any light upon new parties to summon as witnesses they may be brought out. *Let no guilty man escape if it can be avoided.* Be especially vigilant—or instruct those engaged in the prosecution of fraud to be—against all who insinuate that they have high influence to protect—or to protect them. No personal consideration should stand in the way of performing a public duty."

But when he wrote this Grant did not dream that Babcock might be guilty; he did not know how embarrassing some revelations would prove. McDonald's trial brought out the fact that Boutwell, in appointing him against protests by Carl Schurz and other leading Missourians, had said that it was too bad but he "could not help it"—the supporting influence was too strong.⁵¹ That influence was Grant's. Avery's trial brought out the fact that when he, as Chief Clerk in the Treasury, had first been approached by McDonald and Joyce for improper information on revenue affairs, he had indignantly refused it. He had then received a letter from Grant himself assuring him that the two men were trustworthy, and should have what information they wanted.⁵²

Moreover, Dyer, Henderson, and Bristow had found evidence indicating that the trail of corruption led to Babcock's door. In August they discovered a telegram from Babcock to McDonald signed "Sylph" and reading: "I have succeeded. They will not go. I will write you." This they interpreted as proof that Babcock had helped the Ring block certain investigations. Bristow, always direct and

⁵⁰ This endorsement was marked "confidential." Bristow had difficulty in obtaining Grant's permission to publish it, and there is some ground for believing that he issued it without permission; House Misc. Doc. 44th Cong., 1st Sess., No. 186, 349, 357 ff.

⁵¹ *Nation*, November 18, 1875.

⁵² Kirk, *op. cit.*

forcible, confronted Babcock with this telegram. He admitted writing it, but denied that it had any connection with the Ring, and gave an explanation which Bristow thought false. Bristow then showed it to Grant. The latter, forewarned by Babcock, gave the same explanation. "It doesn't refer to the whiskey business," he said. "It refers to an order for the transfer of a supervisor." "Unfortunately, Mr. President," rejoined Bristow, "that transfer order was not issued until February, 1875, whereas this telegram was sent in December, 1874!" ⁵³

The implacable Secretary of the Treasury had thereupon warned Babcock that he would be indicted when the grand jury reconvened in St. Louis in November. Bristow had heard that Babcock had been offered a position with the elevated railroad in New York; anxious not to involve the White House, he suggested to Horace Porter that he might well advise the colonel to resign. But Porter refused. "I think," Bristow told Fish, "that Babcock's friends consider him stronger in facing trial as the President's private secretary than otherwise." ⁵⁴

The implication was that Babcock's friends expected Grant to protect the adroit secretary. By December 1, 1875, it was clear that he would be on trial within a few weeks. Would the President still let justice take its course, or would he, as with Richardson, Williams, and Delano, be led by his sympathies for the culprit, and his fears for the reputation of his Administration, to obstruct it?

⁵³ Diary, September 17, 1875.

⁵⁴ *Ibid.*

As Fish uneasily observed, throughout the summer and fall of 1875 Babcock stuck like a burr to Grant's side. They remained at Long Branch until September 22 (C. C. Sniffen having secretarial charge at the White House), when both went to St. Louis, and they returned to Washington again in mid-October. Babcock had ample opportunity to furnish Grant with ingenious explanations of the evidence connecting him with the Whiskey Ring. It was significant that as deepening suspicion fell upon him, the President's hostility to the prosecutions grew. Within an hour after Bluford Wilson, Solicitor of the Treasury, informed Grant that he held evidence that \$500 had been mailed from St. Louis to Babcock, Babcock knew about it; and he insolently told Wilson that anything said to the President was as good as said to him.¹ Fish was quick to note Grant's intense sympathy for his secretary, and his resentment of what he regarded as an attempt to besmear the White House.

During the trial of the Treasury official Avery, the prosecution introduced suspicious telegrams from Babcock to him and Joyce, which special prosecutor Henderson told the jury on November 29 showed Babcock's complicity. Babcock, forewarned of the telegrams, might have hurried west to explain them. Instead, waiting until it was too late to be heard in person, he telegraphed a denial. Then, adroitly taking advantage of the fact that he had retained his commission as major, he wrote Grant on December 2 demanding a military court of inquiry. This was an effort to create delay.² Such a court would take time, while if its verdict were adverse a court-martial would follow—Babcock meanwhile escaping civil trial. Grant submitted this demand to the Cabinet. Babcock's ally Belknap of course supported it, declaring it an "equitable right" when grave charges were made against an officer. As he gave plausible assurances that it would not interfere with a civil trial, the Cabinet assented. With a shock, however, Fish learned at the Cabinet meeting next day that Grant intended to place the inquiry under an officer who had shown marked friendliness to Babcock. He writes:

¹ House Misc. Docs., 44th Cong., 1st sess., No. 186; *Nation*, August 3, 1876.

² Grant Letterbooks, December 2, 1875.

December 3, 1875.— . . . Belknap reads some authorities on the organization and power of a court of inquiry, and it was decided that the court be ordered, and the President named Generals Sheridan, Hancock, and Terry, stating that he would have named Sherman but there was no precedent for assigning the Commander-in-Chief as judge of a court.

The Secretary of War reminded him that General Sherman while Commander-in-Chief had been detailed as presiding officer in the court of inquiry of General Howard. The President appeared to have forgotten this, but when it was brought to his attention he made no change, but left Sherman out and ordered it to convene in Chicago on the 9th instant. The Attorney-General was directed to inform the district attorney in St. Louis of the order, and to direct him to furnish the court with any documents and facts which they might require.

Sherman being excluded, Sheridan and Secretary Belknap might easily exert pressure on the court to bring in a whitewashing verdict. Attorney-General Pierrepont promised the uneasy Fish that he would not permit the civil prosecution to be suppressed. He said, as they left the meeting together, "that he would let the prosecuting attorney understand that this order would not suspend or interfere with the pending criminal proceedings at St. Louis, to interfere with which he said would be ruinous to Babcock, the President, and the Administration." Whatever this was worth, the St. Louis prosecutors kept their evidence under lock and key. When Sheridan's military court met in Chicago it found itself helpless without this evidence, as Hancock pointed out, and dropped the case.

On December 3, Avery was convicted. But Henderson, in closing the case, overstepped the bounds of discretion. Evidence had been presented that in 1874, when Commissioner Douglass of the internal revenue service was about to send two agents to make investigation in St. Louis, Babcock had gone to him and the President and blocked the inquiry. He had then sent the telegram signed "Sylph": "I have succeeded. They will not go." Henderson demanded of the jury; ³ "What right had Babcock to go to Douglass to induce him to withdraw his agents? . . . What right had the President to interfere with Commissioner Douglass in the proper discharge of his duties, or with the Secretary of the Treasury?" When Fish read the newspaper reports he instantly saw that this attack on the President could not be overlooked.⁴ Pierrepont held the same opinion. Grant mentioned the occurrence to the

³ N. Y. *Tribune, Herald*, December 4, 7, 1875.

⁴ Diary, December 7, 1875.

Cabinet that day, and Fish records: "The President read an extract from the Cincinnati *Inquirer*, stating that it was a hostile paper and that possibly the remarks actually made might differ from the report; but that he was satisfied that Henderson was a personal enemy of his and was disposed to abuse him when opportunity offered. The indecency of a counsel, especially designated by the President, abusing him, was severely denounced by all the Cabinet."

Three days later, Pierrepont having sent for fuller information, Henderson's speech was read to the Cabinet from a sworn copy of the court stenographer's notes, together with an explanatory telegram from Dyer and a defiant one from Henderson. "Without dissenting opinion," writes Fish,⁵ "it was agreed that the speech was an indecency and an outrage upon professional propriety." Pierrepont was instructed to dismiss Henderson, and wrote a telegram for that purpose in the Cabinet room. No President who felt a proper regard for the dignity of his office could have taken any other course; and the immediate appointment of J. O. Broadhead, a distinguished Democratic attorney, proved that the dismissal was not meant to cripple the prosecution of Babcock.

But Fish continued to be disturbed by the evident eagerness of men close to the President to shield Babcock. Indeed, Belknap was perfectly brazen in revealing his desire to save the Secretary by hook or crook. Just before Christmas he read the Cabinet a long report by Major Gardner, the judge advocate-general detailed to the military court. It harshly criticized Federal Attorney Dyer in St. Louis. Fish knew through Pierrepont that Dyer was able, honest, and impartial. His refusal to surrender his evidence against Babcock to the military court was quite proper. "The tone of this paper," writes Fish,⁶ "made a very unpleasant impression on my mind at least as to the objects and expectations of results from that court." Belknap also read a sharp attack by Gardner upon the eminently correct behavior of Hancock in the military court. Fish writes that the Secretary of War seemed to lament "the loss of opportunity for some purpose I do not wish to speculate upon." Obviously, he and Babcock had planned to cripple or crush the civil trial by a military exculpation.

During December and January the hard-pressed cabal were laboring night and day to fill Grant's mind with distrust of the Whiskey Ring

⁵ Diary, December 10, 1875.

⁶ Diary, December 21, 1875.

prosecutions, now under way in Chicago, Milwaukee, and other cities as well as St. Louis. They were reinforced by Republican politicians worried by the effect of the scandal upon the impending campaign. These men told Grant that an effort was being made to destroy the party—worse still, to destroy *him*. They declared that Bristow was thirsting to win fame as a reformer, and to climb to the presidency on other men's ruin. Grant quickly imbibed the desired suspicions. The unhappiest feature of Henderson's indiscretion was that it strengthened them. Irresponsible journals and over-zealous Democrats likewise gave them color when they made sinister attacks upon the White House. Charges appeared in the *Chicago Times* of January 3 and *New York Herald* of January 5, 1876, that Orvil and Fred D. Grant, brother and son of the President, were implicated in the Whiskey Frauds. With set jaw, Grant mentioned these charges to the Cabinet, and ordered Attorney-General Pierrepont to summon the authors before grand juries; if they had any evidence he wanted it sifted, and if they did not he wanted their lies exposed.⁷ He also asked that a detective, one Bell, be sent to St. Louis to watch for improper attacks upon the President, with orders to report directly to the Attorney-General.

But while this was proper enough, Grant unhappily went much further. As in all conspiracy cases, prosecutors of the Whiskey Ring were compelled to place heavy reliance on culprits who turned state's evidence; and it soon appeared that the cabal had filled Grant with a fierce prejudice against this type of evidence.

Late in January, 1876, William McKee, owner of the Ring newspaper, a man of wealth, family, and political power, was convicted. Some of the evidence in his trial had again reflected upon Babcock. Grant treated the next Cabinet meeting, as Fish writes, to an undignified outburst: ⁸

The President speaks with a great deal of feeling about the conviction of McKee of St. Louis for conspiracy in connection with the Whiskey Frauds, and says he has read all the testimony published, and not a word is charged against him, McKee, by any person who is not himself confessedly a perjurer and a felon, while every respectable person who testified did so in his behalf. He said he had supposed there would have been a divided jury, inasmuch as whatever might be the evidence of his innocence, the state of feeling was such that there were sure to be some who would try to convict.

⁷ Diary, January 7, 1876.

⁸ Diary, February 1, 1875.

Pierrepoint asked him where he had read the evidence, that he himself had only seen an abstract of it as published in the Eastern papers.

The President said it was that which he had read, and remarks that he thinks the conduct of our prosecuting officers in the Chicago cases was perfectly atrocious; that their stipulating to let clear the confessed rogues with the hope of being able to convict a few prominent persons he thinks outrageous.

Pierrepoint disclaims any knowledge of any such proceedings. The President says he repeats what has been told him by Dutton (Supervisor of Internal Revenue). . . . The President seems to think that the Solicitor-General is responsible for the line of conduct pursued, which he condemns.

Solicitor Bluford Wilson, whom Fish knew to be ruggedly honest, was both feared and hated by Babcock and his allies. Early in the prosecution he resolved that if Babcock were guilty, he would prove it; if he were innocent, he would demonstrate that—but he would push the inquiry to the bitter end. He had written Henderson⁹ urging him to neglect no precaution “to reach the bottom or top of the conspiracy.” The cabal were assuring Grant that Bluford Wilson intended to release some of the worst members of the Ring if they would only incriminate men high in the government. On hearing Grant’s outburst, Bristow courageously defended Wilson, saying that his letters to the prosecutors had authorized no such course as the President charged, and that he did not believe the attorneys were pursuing it. For a moment of tense silence the two men faced each other grimly. Then Grant, after instructing Pierrepoint to telegraph the Federal Attorney in Chicago to ascertain the facts, dropped the subject.

I

Babcock’s trial opened in St. Louis on February 8, 1876. What scenes occurred in the White House before he left it we do not know. But we do know some of the steps taken there to protect him.

On February 1 the *Chicago Times* published a circular letter which Attorney-General Pierrepoint had written the Federal Attorneys in St. Louis, Chicago, and Milwaukee forbidding them to promise immunity to criminals who turned state’s evidence. This letter, dated January 26, had obviously been extorted by Grant’s pressure. Pierrepoint later testified as much, saying that Grant had asked for it four or five times,

⁹ Coolidge, *Grant*, 480.

and had wished it "even stronger." It was immediately republished throughout the land. Pierrepont wrote that he had read reports that immunity would be widely bestowed; and that the attorneys must not do "anything that might look like favoring or even protecting men who have defrauded the government." He ordered them to avoid "even the appearance of such favorable treatment," and ended by stating that he was determined to see "that no one has been maliciously persecuted; that no one has escaped through favoritism or partiality, and that no guilty person who has either been convicted or has confessed his guilt was left unpunished." As the House Judiciary Committee later pointed out, this was highly censurable. "The testimony of accomplices," the Committee stated, "has been used against their associates from the earliest ages of our jurisprudence." Indeed, it has often been the principal weapon of justice. We have seen that once before (page 592) Pierrepont had shown willingness to shield a criminal. Fish learned later that his promise not to let the proposed military court interfere with civil prosecution in St. Louis had meant nothing. After making it, he had telegraphed Attorney Dyer ordering him to furnish the military tribunal with all the evidence against Babcock. Dyer had read Pierrepont a stinging lesson. He replied that evidence procured by a Federal court in St. Louis could not be taken out of its jurisdiction and delivered in time of peace to military officers, especially when daily use was being made of it in grand jury work and the trial of cases. He would be held in contempt of court if he did this.

Pierrepont's circular would have been bad enough if never published. But Babcock—according to Pierrepont's subsequent testimony—filched a copy, which he sent his counsel, Emory Storrs, and Storrs saw that it was spread in the press. It appeared at a critical moment in the progress of the Chicago prosecutions. Some fifty distillers, rectifiers, gaugers, storekeepers, and others had been indicted in that city. A number of the distillers were rich men, of business and social standing. The Chicago correspondent of the New York *Herald* had predicted on January 5 that they would all plead guilty, and sentence would be suspended on motion of the government. This would be proper for three reasons. First, the conviction of the guiltiest men, the political originators of the Ring, could not be obtained without their evidence. In the second place, most of the distillers and rectifiers had been literally driven into fraud by competition, intimidation, and

the general laxity of the revenue service. In the third place, the government meant to insist upon forfeiture of the seized property, and felt that it would be cruel to send these once-honored men to the penitentiary as well. They felt their disgrace keenly, while forfeiture would mean utter ruin to some. Much was expected from their evidence. Although no letters had been found signed by Babcock, a number had been discovered from an unidentified Washington official who had been the special informant of the Chicago Ring and whose papers disclosed him as "a person of great commanding influence." On January 14 thirteen distillers did plead guilty in Chicago. It was hoped that one man in especial, Hesing, would implicate Senator Logan and two Congressmen in approving the acceptance of political contributions from the Ring. But Pierrepont's circular smashed all such hopes.¹⁰

The circular had an immediate effect in St. Louis. Charles Nordhoff, one of the fairest journalists of the day, wrote: "About the time when this letter was sent . . . it became public that one Everest, concerned in the St. Louis Whiskey Frauds, was likely to give important testimony in General Babcock's trial." Everest, paymaster of the Ring, actually gave only minor evidence. In fact, all the conspirators who might have turned state's evidence became silence itself. Babcock could draw an easier breath as his trial opened.

It was unquestionably at Babcock's instigation that Grant thus crippled the prosecution. But no one can doubt that the President knew precisely what he was doing. Were it not for a significant entry in Fish's diary, it might be pleaded that he had acted in ignorance of court procedure and law. But Fish records that on March 17, 1876, Zach Chandler reported to the Cabinet that he had discovered extensive frauds in the Interior Department as Delano had been running it. Corrupt clerks had been padding the lists of persons entitled to quarter-section grants under some legislation of 1872, and about eight hundred fraudulent entries of land had thus been permitted. One minor official had confessed, while the Chief Clerk of the Bureau involved was obviously guilty either of dishonesty or gross neglect. "The President," writes Fish, "directs every effort to be made to obtain evidence, and protection for the Clerk from prosecution to the extent of the law if he can furnish evidence which will convict persons more guilty than himself." In other words, Grant was quick to order immunity promised to an officer in the Interior Depart-

¹⁰ See N. Y. *Herald*, January 5-15, for a mass of material on the Chicago Ring.

ment if he would incriminate other men; he was equally quick to stop the grant of immunity to far less censurable malefactors when to do so endangered his own secretary.

In still another way official interference had already been felt in St. Louis. Prompted by someone high in the government, George Bliss, Pierrepont's successor as Federal Attorney in New York, sent west a deputy, Roger Sherman, ostensibly to find evidence for the government. Bliss was what the *Nation* called a bouffe official; he always failed the government and let the rogues somehow win. Fish believed that the breakdown of the case against James Watson Webb was due to his inefficiency or worse. Informed observers were therefore not surprised when Sherman obtained evidence in disreputable quarters for the defendant, which he turned over to Babcock himself! "In bouffe prosecutions," wrote Godkin,¹¹ "the government always collects the evidence and hands it over to the defendant." It is perhaps significant that Bliss belonged to the Conkling-Arthur-Tom Murphy machine, and that Pierrepont had become a supporter of Conkling for the presidential nomination in 1876. Leaders of this machine were not averse to seeing Secretary Bristow, who was also mentioned for the nomination, checked and humiliated.

On the first day of Babcock's trial, the prosecution introduced telegrams to prove that he had been in constant communication with Ring members; it proved his clandestine intercourse with McDonald after the latter's indictment; and the Ring paymaster, Everest, went so far as to swear that he had seen \$500 put into an envelope apparently for Babcock. The President that day called a special Cabinet meeting. Fish observed that he was worried and excited. He announced that he wished the Cabinet to discuss urgent messages from Babcock's counsel in St. Louis. Dubious of the outcome, they had implored Grant by telegram and letter to appear as witness. While the Cabinet sat another telegram arrived. It declared that the opening speech of the prosecution indicated an absolute necessity for Grant's testimony.

"The President," writes Fish,¹² "manifested a great deal of excitement, and complained that they had taken from him his secretaries and clerks, his messengers and doorkeepers; that the prosecution was aimed at himself, and they were putting him on trial; that he was as confident

¹¹ *Nation*, March 2, 1876; cf. *N. Y. Herald*, February 18, 1876.

¹² *Diary*, February 8, 1876.

as he lived of Babcock's innocence. (He referred to his long association with him, the entire confidence he had in him, and that he knew he was not guilty; that were he guilty, it would be an instance of the greatest ingratitude and trickery that ever was.)" Grant added that he had wished to give the Chief Justice a deposition in behalf of Babcock, but that the telegrams from Babcock's counsel indicated that this might not suffice. He therefore made an astounding proposal. "The President expressed his determination to go to St. Louis, to start either this evening or tomorrow morning, and said he should like to take at least two members of the Cabinet with him; and enquired of the Attorney-General whether he would accompany him."

For the President of the United States to rush halfway across the continent and enter a criminal court as witness would shock the nation. Fish protested indignantly. He brought out the fact that no subpoena can be served on the President. "I then remarked," he writes, "that should the President go, it would be a voluntary offering of himself as a witness for the defense in a criminal prosecution instituted by the government, of which the President is the representative and embodiment; that it would therefore place him in the attitude of volunteering as a witness to defeat the prosecution, which the law made it his duty to enforce."

Pierrepoint and Butler supported Fish's view. The former called attention to the impending national election, which brought every act of the Administration under sharp scrutiny. So unprecedented a step by the Chief Magistrate would encounter acid criticism. Bristow frankly said that he thought the proposed action undignified and improper. Belknap was silent. Robeson alone favored Grant's plan. He even suggested that the Attorney-General might request the court to subpoena the President; to which Pierrepoint tartly replied that as by law he was the prosecuting officer, it was not for him to have special witnesses summoned for the defence. Nevertheless, Grant was still eager to take the stand. He suggested that Robeson might take steps to have the court postpone the case, with a view to the President's subsequent appearance. But Pierrepoint and Bristow again objected, while Fish attacked the President's idea in sweeping terms: ¹³

I objected to the form of suggestion proposed, inasmuch as it intimated that the President might at a future time attend in case the case was post-

¹³ *Ibid.*

poned to another time; that I did not think the President of the United States should in any case allow himself to be brought into court as a witness, and put on the stand to testify. I refer to the trial of Aaron Burr, when an effort was made to bring Mr. Jefferson into court as a witness.

The Cabinet was unanimous in the opinion that the President ought not to leave Washington during the session to be made a witness of, and there was no dissent expressed to the position which I took, that he ought not, under any circumstances, to consent to appear in court as a witness.

Various suggestions were made as to the mode of conveying the conclusion that the President would not appear as a witness. . . . While the discussion was going on, the President wrote in pencil what he suggested as an answer at first, with a view of sending it to the counsel for the defense, but this was objected to, on the ground that the government could not advise the line of the defense; some of the expressions were excepted to, and a part of it was rewritten by him.

During the talk Grant sheepishly admitted that he had told Babcock's lawyers, before they went to St. Louis, that he would appear in the trial! Babcock had doubtless extracted this promise. The Cabinet finally agreed that Pierrepont should inform the defense that it was "impossible and unseemly" for the President to attend, but that if the court requested it he would make a deposition. The defense attorneys (upon whom Babcock was said to have spent \$25,000, at first retaining Ben Butler) acted on this suggestion. Grant made his deposition in the White House on February 12, the process occupying about five hours. Chief Justice Waite served as notary, and Bristow and Pierrepont were present. The President made a good witness, answering questions without hesitation, and giving emphatic testimony for Babcock's good character.

II

As the case against Babcock proceeded, additional evidence of a damaging character was produced. It was proved that when on several occasions the Ring was trying to prevent Federal investigations, he had furnished the members material assistance. In the spring of 1874 Joyce had telegraphed him from St. Louis to "Make D[ouglass] call off his scandal hounds." Early in 1875, when the Ring was opposing a Presidential order transferring supervisors and revenue agents, Babcock was again active and Joyce telegraphed him: "We have official information that the enemy weakens. Push things." It was proved that Babcock had

helped to obtain a Collectorship for a leading Ring member, Maguire. As these facts came out, his counsel fought to have every possible scrap of evidence kept from the jury. It was shown that he had tried to delay the trial. He neither produced nor explained his side of the correspondence with McDonald and Joyce in 1874-75. His lawyers failed to offer any rational explanation of his numerous suspicious messages to Ring members.¹⁴ At one point Judge Dillon intervened on his behalf. Some strange cipher dispatches had passed between Luckey (another of Grant's secretaries) in St. Louis and Babcock in Washington just before the trial began. The prosecution was prepared to submit them. But the court ruled that this correspondence was tantamount to that between counsel and client, and was inadmissible.

Yet even as the injurious new evidence came out Grant's suspicion and resentment increased. Talking with Fish on February 15, he indulged in a new outburst.¹⁵ The prosecution was aimed at himself, he said, not at Babcock. Bristow, possessed by the idea of his complicity in the frauds, was using every means in his power to destroy him. He had been watched by detectives while in St. Louis; these detectives were still trying to collect evidence that Ring members had paid his travelling expenses. All sorts of small devices were being employed to hold him up to public condemnation. He did not blame Bristow personally so much as a pack of flatterers who hoped to see the Secretary become President, and who were egging him on in his schemes. Grant spoke with equal resentment of Bluford Wilson. His hand was helping to control these intrigues against the President. Though the law gave the Attorney-General exclusive authority over Federal prosecutions, Bristow and Wilson in the Treasury had taken charge of these trials.

"I understand," said Fish, "that the law vests the control of suits for the violation of internal revenue laws in the Treasury Department."

"No," said Grant, "the Attorney-General and I have examined the law, and the Attorney-General has full control over suits. The Babcock trial will soon be over, and as soon as it is, Secretary Bristow will leave the Cabinet."

Fish knew that an attack along a broad front was now being made upon the prosecuting officers. Washington was full of outraged politicians growling, "It is time to stop this thing"; "It is killing the party,

¹⁴ See *Nation*, March 2, 1876, for a careful analysis.

¹⁵ Special memorandum by Fish, dated March 6, 1876; *Fish Papers*.

sir"; "There is a higher kind of statesmanship than going about with spies and informers, sir." One sector of the attack lay in efforts to take any connection with the whiskey cases out of the hands of the inflexible Bristow and implacable Wilson, and put them entirely in the hands of the pliable Pierrepont. An Act of 1869 clearly vested the control of such prosecutions in the Secretary of the Treasury. But the President was urged to interfere in spite of this law, and to insist that Bristow keep his hand off. Pierrepont, as the above dialogue indicates, was willing to support this interference. As a result of these manoeuvres a marked coolness sprang up between Bristow and Pierrepont. Another sector of the attack concentrated its fire upon Bluford Wilson. A host of politicians were demanding his outright dismissal. They included Senators who were particularly close to Grant. In Illinois Logan was connected by rumor with the Whiskey Ring, and in Wisconsin Matt Carpenter—two Senators whom Fish disliked for their soft-money, pro-Cuban, bloody-shirt proclivities; much evidence existed that their political organizations had received contributions from Ring sources. They were doubtless keenly interested in getting rid of Bluford Wilson.

Still a third sector, the most alarming of all, was busily occupied with efforts to promote a general Cabinet overturn. If Bristow, Jewell, and Fish could be compelled to resign in a body, many politicians would be jubilant. Some, as Nordhoff wrote, would like to see such an overturn because it would defeat and humiliate the reformers; others, because it would give jobs to themselves or their friends. Why tolerate such men when the example of Hoar and Cox showed how easily they could be ousted?

Fish knew, too, how innocent Bristow was of any wrongful intent, and how keen was his sense of duty. Only a few days earlier the Secretary, who regarded Fish as a kindly mentor, had poured into his ear a confidential lament upon his relations with Grant.¹⁶ He wished to be loyal to the President, he said, and keep his confidence. But Grant was more and more openly hostile. Bristow assured Fish that he had merely assisted with the whiskey prosecutions—he had not tried to control them. Despite his rights under the law of 1869, he had given no orders to Attorney Dyer, but had allowed Pierrepont to direct the cases. He observed with grief that the President's manner was cold, distrustful, and offensive. When Grant talked with him he indulged in cutting thrusts and

¹⁶ Diary, February 6, 1876.

insinuations. After referring dejectedly to the crippling effect of Pierrepont's circular upon the prosecutions, Bristow went on to say that he was not an active candidate for the Presidency—that he did not see how he could afford financially to take the office so early in life. He spoke again, while Fish protested, of resigning:

He asks my advice. Remarking on the delicacy of advising in such matters, I expressed the hope that he will not resign; that assuming that his name is to go before the convention as a candidate for the nomination, his resigning at this time . . . would at once be accepted by the public as admission of disagreements between him and the President, and would make him the rallying-point for all those in the Republican Party hostile to the President, which would at once lead to the distraction of the party, and possibly to the nomination of himself on an independent ticket, but would, I thought, defeat his chances of nomination as the regular candidate of the party. . . .

He reminded me that last summer he had proposed to resign, and that in September he went to Long Branch, having his resignation in his pocket, and had handed it to the President, who had told him that he did not wish to accept it, that he was throwing away a great opportunity, that he was more likely than any one person to be named as his successor, and that there was no one whom he would prefer, and he begged him to take back his resignation, which he did; and that the President added that he would be in Washington about October 1, when they would consider the subject again, if necessary; that the President did not return until some weeks after the time named, and that nothing further had been done on the subject. . . .

I endeavored to soothe him, and suggested that the President at this moment was naturally sensitive with regard to the pending frauds, and that his friendship for Babcock was very sincere, and his confidence in him was very great; that he naturally disbelieved the charges against him, and possibly also felt that the prosecution of persons who were appointees of his reflected upon the Administration.

I advised him to wait and take no action. . . .

Babcock's trial ended February 24 in acquittal. A decisive influence had been produced upon the jury by Grant's deposition. The President swore that he had never noted anything in his secretary's conduct or talk which indicated a connection with the Ring, and that in view of their close relations he believed that if Babcock had been guilty he would have known it. After his emphatic statement, a vote to convict Babcock would have been a vote to accuse Grant of complicity or incredible blindness. But the evidence against him in any event lacked conclusiveness. Most men who studied it were morally convinced of his guilt, but full legal proof was wanting. Organs like the *Tribune*, *Nation*, and

Springfield *Republican* were content to see him escape the penitentiary, but they were convinced that his resignation from the public service and the army ought to be instantly demanded.

Although Grant's eyes were at last partially unsealed to Babcock's true character, it was impossible for him ever to give up completely a prejudice either for or against a man. He now behaved with the most unworthy indecision. The day after the acquittal he announced that he intended to make his son, U. S. Grant, Jr., private secretary.¹⁷ "He said it was hard on his son, as it would put him back a year, but he was compelled to have someone whom he could absolutely trust to open letters, and if he did that he could do nothing else." But two days later Babcock boldly returned—and Grant let him resume his desk in the executive office. On February 29 Fish called at the White House, stalked grimly past Babcock, and bearding Grant, protested in outspoken terms. "Yes," said the abashed Grant,¹⁸ "but Babcock is there only temporarily. An article in the New York *Tribune* the other day stated that he was to be ejected. When I saw that I allowed him to take a message to the Senate; but it will not occur again." On March 1 Babcock was still in the office. Grant called that afternoon on Fish, who lifted his eyes inquiringly:

The President said [writes Fish] he would resign today, and that he had appointed his son as his private secretary, and there was no place for Babcock in the office; that he had promised his resignation today, and the President had waited a half hour before coming to see me for it, but it had not come.

I told him he had nothing to resign. After a moment's pause he smiled and said, "That's true, he's only got to stay away."

That was Babcock's last day in the White House. But he temporarily retained his place as Superintendent of Public Buildings and Grounds; Grant presently appointed him Inspector of Lighthouses; and he saw the President occasionally. In April he was indicted upon the safe-burglary charges, and Shepherd went bail for him. But there was no sign of a movement in the army to force his resignation.

Meanwhile, a campaign of vengeance was begun against Babcock's prosecutors. Of Secretary Bristow's fate we shall say something later; a Damoclean sword hung over his head. To the Cabinet the day after Bab-

¹⁷ Diary, February 25, 1876.

¹⁸ Diary, March 1, 1876; these passages explode the fictitious account in Coolidge, *Grant*, 485.

cock's acquittal Grant said: ¹⁹ "Now that the trial is over, the question to be considered is whether Mr. Dyer is to be dismissed." No Federal officer could have been more faithful to duty than Dyer. A pained silence ensued. No one said a word until Grant himself broke it. A few minutes later, when Pierrepont remarked that Henderson had presented a bill for \$26,000, the President burst forth belligerently: "I will not pay Henderson one cent. If he wants to collect anything he can go to the Court of Claims. I leave it to you, Mr. Pierrepont, if you think Henderson rendered any service whatever to the government." Pierrepont quietly replied that he had rendered good service, and had been instrumental in recovering a great deal of money. Dyer soon made himself more obnoxious than ever by opposing the applications of various convicted men for pardons. In July Grant had him dismissed. Bluford Wilson had already prudently resigned. Summary treatment was also meted out to Yaryan, head of the special Treasury agents, who had played a leading rôle in exposing the Whiskey Frauds. First an attempt was made to ruin him by the production of one Moore, a Treasury employee, to swear that a detective named Bell had told him that a lawyer named Woodward had told him that Yaryan and another revenue officer had brought two distillers to Woodward's office and in his presence extorted money from them. When Bristow heard this silly tale he dismissed Moore. The President promptly ordered him restored, and subsequently promoted. Then as soon as Bristow was out of the way, Grant sent another peremptory order directing Yaryan's dismissal, which the Commissioner of Internal Revenue executed with earnest expressions of regret.²⁰

III

But in these years one scandal did not end before another began. Corruption had for some time been suspected in the War Department. On February 10, 1876, the New York *Herald* had called for an investigation. A House Committee under Chairman Hiester Clymer was soon taking evidence. Early on March 2, while Fish was still abed, Bristow called in great excitement.²¹ Belknap had been exposed as accepting large payments for an Indian post-tradership. The Committee held incontrovertible evidence of his conviction, and was about to present a report with a demand for impeachment. Fish urged Bristow to call

¹⁹ Diary, February 25, 1876.

²⁰ *Nation*, July 6, 1876.

²¹ Diary, March 2, 1876.

upon the President at once with the news.

Unfortunately for the ends of justice, Belknap had heard the report even more quickly than Bristow. Early that morning a friend on the Committee had notified him of its findings. Before ten o'clock he had reached the White House with a resignation on which the ink was hardly dry. It was a bold move to forestall impeachment—for the Committee could not report until afternoon. Grant immediately sat down and wrote: ²² "Your tender of resignation as Secretary of War, with the request to have it accepted immediately, is received and the same is hereby accepted with great regret." This was a rash act, and when he realized the fact he was apologetic if not truly contrite. Fish records that at the Cabinet meeting next day Grant, staring at Belknap's empty chair, made a lame explanation: ²³

The President spoke of Belknap's defection, saying that yesterday he had really, in the first part of the day, been unable to comprehend its magnitude and importance, the surprise was so great that it was really not until evening that he could realize the crime and its gravity. [!] He spoke of his long-continued acquaintance with Belknap in the army, of his having known his father as one of the finest officers of the old army, when he himself was a young lieutenant.

He directed the Attorney-General to consider the law with a view to consider what action could be taken against the late Secretary, either criminal or civil.

He said that he had accepted the resignation on its being tendered, and under the wrong impression, as he did not fully understand the statements of Belknap, who was very much overcome and could scarcely speak. He did not know that acceptance was not a matter of course.

There was little excuse for Grant in being taken by surprise. All officials of the War Department and all well-informed newspaper men knew that some very dubious operations had been countenanced by the Secretary. Only three weeks earlier the Washington columns of the *Herald*, conducted by the able Charles Nordhoff, had fully exposed the way in which Belknap was farming out the trading-posts in the Indian reservations. Its long story showed that in a considerable list of instances the licensed trader paid a share of the profits to some favorite of Belknap or of the Administration. Thus the trader at Camp Supply in Indian Territory paid an Administration favorite \$10,000 a year; that at Fort Sill had paid \$6,000 a year (as Belknap now confessed);

²² Woodward, *Meet General Grant*, 426.

²³ Diary, March 3, 1876.

that at Fort Dodge \$2,000, and so on. The *Herald* stated that a relative of Mrs. Grant received part of the profits of a New Mexican tradership, and one of Babcock's relatives part of those from the Fort Wallace store. The total thus given away to Administration pets reached at least \$100,000 a year. And Grant could have obtained information from a closer source—from Orvil Grant, himself a beneficiary. "Let the President," the *Herald* now caustically remarked, "send for his own brother and question him about the money that was made in the Sioux country by starving the squaws and children. The President will find it all printed in the *Herald* of last July, column after column, in great detail from a correspondent sent by us into that country to seek out the frauds."

Belknap, a pouchy-cheeked, beetle-browed, curly-haired man with a tremendous flowing beard and the air of an unctuous politician, had yielded to sheer greed for money. His wife when he came to Washington was a woman of social ambition. His salary was \$8,000 a year; she liked to dress expensively, maintain a luxurious household, keep carriages, and give dinners with the best vintages. She knew an astute New York contractor, Caleb P. Marsh, and sometimes visited him and Mrs. Marsh. In the summer of 1870, in return for hospitality, she offered to obtain him a post-tradership. Marsh visited Washington and applied for the tradership at Fort Sill. He was told that the holder, John S. Evans, was also in Washington to ask for a reappointment; perhaps, said Belknap, Marsh and Evans could reach a partnership arrangement. They did. That is, Evans (who had made a large investment at Fort Sill) agreed to pay Marsh \$12,000 a year in quarterly instalments for being let alone. Of this sum Marsh agreed to give half to Mrs. Belknap. In the fall of 1870 he sent her the first \$1,500; a few weeks later she died. It is possible that Belknap did not know where the \$1,500 came from—but the payments were continued.²⁴

The Secretary, when the scandal broke, tried to hide behind the skirts of his dead wife. He said that while Marsh's evidence did not incriminate him, it did affect persons so closely "connected with him by domestic ties" as to "greatly afflict him, and make him desire to secure the suppression of that part of the evidence at any cost," and that he had therefore not tried to exculpate himself. A few facts indicate the value of this tale. After Mrs. Belknap died in December, 1870,

²⁴ For full evidence on Belknap's derelictions, see *Cong. Record*, 44th Cong., 1st sess., Vol. IV, which (records of impeachment trial) gives all the facts.

Marsh called on her sister, Mrs. Bowers, to see the baby she had left. He testified: "I said to her, 'This child will have money coming to it before a great while.' She said, 'Yes; the mother gave the child to me and told me that the money coming from you I must take and keep for it.' I said, 'All right'; and it seems to me that perhaps I said the father ought to be consulted. . . ." The baby died in June, 1871. Mrs. Bowers went to Europe. Belknap, unmarried and childless, continued to receive the quarterly payments from Marsh. If he happened to be in New York when they fell due, he accepted them in person; if not, they were mailed to him. After he married Mrs. Bowers, they received the payments together—now cut in half because Evans could not pay more. The total paid was about \$20,000, equivalent to two and a half years' salary for Belknap.²⁵

Though Grant required an entire day to comprehend the gravity of Belknap's offense, he never expressed to the Cabinet—so far as Fish's diary records—any sense of outrage; while journalists who visited the White House shortly reported that he felt great annoyance over the spirit behind the House investigations. They were being conducted for "partisan purposes." On March 9 the Committee on War Department Expenditures struck close to the President. Orvil Grant, his nomadic brother, frequently mentioned by the press as an adventurer, testified upon his own activities as an Indian post-trader. He said that, having been unsuccessful in other employments, he had applied to the President for a license as an Indian trader; that the President had informed him of four posts from which the traders were shortly to be removed; and that, applying for all four, he at once (1874) obtained them. He placed "partners" in them, who agreed to give him a large share of the profits. To no post did he give any real time or labor; in one only, and that not until a few weeks earlier, did he invest any capital—\$2,000. In brief, he received a handsome income for his influence with his brother, as Marsh had received an income for his influence with Mrs. Belknap. Godkin caustically remarked that the essential difference between the President and Secretary lay in this, "that while Belknap allowed his wife to sell traderships and apply the money to his household expenses, the President allowed his brother to sell them and keep the money himself."²⁶

²⁵ See the excellent account in *Harper's Weekly*, March 18, 1876.

²⁶ *N. Y. Tribune*, *World*, March 10, 1876, for Orvil Grant's testimony; *Nation*, March 16, 1876, and *Tribune*, March 11 and April 4, 1876, for comment.

But could Belknap be brought to justice? Fish believed that he should both be impeached and criminally prosecuted. Marsh, after first testifying, fled to Montreal, where reporters found him looking "haggard and anxious." But on March 22 he was induced to return to Washington, where he and his wife testified before the House Judiciary Committee and a grand jury. Attorney-General Pierrepont on March 31 called the Cabinet's attention to his availability, and asked its opinion upon a criminal prosecution. The President turned to Fish for advice. "I reply," writes the Secretary, "that under the circumstances I thought that the Administration would be held up to much criticism should it fail, after the announcement it had made of its intention to prosecute, to institute and press such proceedings; that if Marsh's testimony had been correctly reported and there was no other evidence against Belknap than such as had been made public before the Committee, I did not suppose he could be convicted, but that the Administration owed it to itself and the country to press the indictment." Robeson and others concurred, and Grant directed the Attorney-General to proceed. But as Fish feared, the evidence was insufficient for a criminal indictment. Hope for justice had to be pinned to the impeachment proceedings.

While these were pending several Cabinet members showed what Fish thought an improper sympathy for Belknap, and Mrs. Grant threatened to overstep all bounds of prudence. On March 26 she informed the Cabinet members, by messenger, that she wished to see them after their meeting that day. They duly filed into one of the private rooms of the White House. Mrs. Grant, shedding tears, her voice quavering, urged them to show some token of regard for the Belknaps.²⁷ She wished them and their wives to call at the Secretary's house. Mrs. Belknap, she explained, was overcome by her disgrace. She had asked permission to see Mrs. Grant at the White House, promising to manage the call so as not to be recognized; and Mrs. Grant, while refusing to let her come in secret, had permitted her to call openly the previous Sunday. The Cabinet discussed the subject. It appeared that three members, Robeson, Jewell, and Zach Chandler, had called on Belknap. Fish was shocked. He said with some sternness that he had not called because he felt it better for both the Administration and the Belknaps that he stay away. Robeson was apologetic, explaining that he had made his first call on Belknap as a fellow-Princetonian, and his second

²⁷ Diary, March 26, 1876.

because the disgraced man had specially requested him to come. He was perhaps excusable; the other two were not. Belknap was on trial for a grave offense against the government, and any indication that he was being given advice or moral support by the Administration would be most unfortunate. There had been more than enough of that in the Babcock case.

Fish and others impressed this fact upon Mrs. Grant. Robeson expressed regret that she had received Mrs. Belknap. He pointed out how important it was to the Belknaps themselves that they speak to no one except their counsel upon the charges against them. By this time Mrs. Grant was again in tears. "I suppose you are right," she said from her handkerchief, "but I do feel *so* sorry for them."

Belknap's counsel first tried to postpone his impeachment trial to December. They then fell back upon the technical plea that since the Constitution limits impeachment to "civil officers of the United States" the Senate has no jurisdiction over any person who has resigned office. This plea, if sustained, would have done much to render the process of impeachment nugatory forever. But late in May the Senate decided, 37 to 29, that it had jurisdiction, and on June 1 the proceedings against Belknap were resumed.

During June and July, 1876, much of the Senate's time was given to the Belknap trial, a happy mode of celebrating the centenary of American independence. The evidence against Belknap was conclusive. Marsh unwillingly but positively swore to all the facts—his application for the tradership, Belknap's request that he "see Evans," his bargain with Evans, and his direct payments to Belknap. Evidence was presented that outsiders had called Belknap's attention to the peculiar arrangement at Fort Sill long before the final exposure. Yet on August 1 Belknap was acquitted by almost a strict party vote. On the first article 37 stood for conviction and 25 against, the required two-thirds thus being unobtainable.²⁸ Of those who voted not guilty, 23 said they did so because they believed the Senate lacked jurisdiction—though the Senate had definitely decided that question. Conkling sprinkled the proceedings with bursts of rhetoric, declaring that the trial had been "forced by the order of a mere majority," and that this was the "first attempt in our history to stretch the political power of impeachment." He doubtless spoke for Grant, but emphatically not for Fish, who would

²⁸ Rhodes, *United States*, VII, 191.

have liked to see Belknap properly punished.

By this time the reputation of the Administration was gone. Other scandals, as we shall see, had come to light. In Fish's diary after the spring of 1876 we detect a tone of apathy, as of one who no longer felt either hope or fear for the credit of the government. It was too late for either. The Belknap and Babcock scandals were from one point of view mere episodes whose significance can easily be exaggerated. The petty thievery they represented was of minor import compared with the wholesale extortion that went on under unjust tariffs and tax laws, and the wholesale looting of the West by railroad and mining corporations. But they did have great importance as symptoms of the general laxity which permitted these larger offenses against the American people. Half-awakened to what was going on, the public was now far more nearly unanimous (as a host of journals declared) that Grant should not be permitted a third term than it had been eight years earlier that he should be chosen President. Fish was plainly dejected. He had only one desire, to conclude his custodianship of foreign affairs with credit, and to have done with public office forever. Since the international scene was calm, in the late summer of 1876, for the first time, he took a genuine vacation at Garrison. Most of September and the first half of October he spent on the Hudson, and though he transacted necessary business, for the most part he left affairs in the hands of the capable Assistant Secretary, John L. Cadwalader—a New York attorney who had succeeded Bancroft Davis in 1874. The Presidential campaign was under way; he and others could take comfort in the fact that whether Hayes or Tilden won, the Augean stables would receive a much-needed cleansing.

THE virtual collapse of the Grant Administration during 1876 in all departments save foreign affairs is so impressive a fact that its neglect by most writers upon the period is astonishing. Historians, like the people at the time, have fastened their eyes so completely upon the Hayes-Tilden contest as to ignore the breakdown of the national government. Yet breakdown is not too strong a word. Various Administrations have closed in gloom and weakness—those of the Adamses, Van Buren, Buchanan, Taft, Wilson, and Hoover. But no other has closed in such paralysis and discredit as (in all domestic fields) did Grant's. The President was without policies or popular support. He was compelled to remake his Cabinet under a gruelling fire from reformers and investigators; half its members were utterly inexperienced, several others discredited, one was even disgraced. The personnel of the departments was largely demoralized. The party that autumn appealed for votes on the implicit ground that the next Administration would be totally unlike the one in office. In its centennial year, a year of deepest economic depression, the nation drifted almost rudderless.

Grant's political bankruptcy could not have been better demonstrated than by his penultimate annual message, December 7, 1875. This document, filling twenty-four printed pages of Richardson's compilation, was given strength by just two elements, the twelve pages on foreign affairs by Fish, and the three pages on finance by Bristow. Both were admirable. But the President's contribution displayed a total lack of vision. After a veiled attack upon Catholicism, in which he spoke of the dangers of ignorance when played upon by priestcraft, he urged a constitutional amendment requiring the States to maintain sufficient free elementary schools for the education of all children; forbidding the teaching of religious tenets in schools; and prohibiting the use of school funds or taxes for the aid of any religious sect. He urged that all ecclesiastical property, save cemeteries and perhaps church edifices, should be taxed. Finally, he suggested the stoppage of the importation of Chinese women and the destruction of polygamy. This, with measures to give the nation a sound currency, was his centennial programme!

I

When Congress received this message it was acutely conscious of the impending Presidential campaign. Not a move was made in the Democratic House or Republican Senate without reference to the election. A swarm of House committees was soon investigating the executive departments. At first Fish hoped that little wrongdoing would appear. He wrote a friend¹ that the looseness and extravagance of the war period had doubtless created abuses and left habits of carelessness and waste; "but I think they will find less of intentional wrong than many even of those who have been, and of some who still are, friends of the Republican Party, apprehend." He was quickly disillusioned. The committees discovered gross corruption in the Interior, War, and Navy Departments; they did much to discredit the Department of Justice; they forced the resignation of the Minister to England; and they cast dark suspicion upon Blaine's conduct while Speaker. As the Grant Administration sank deeper into the mire, party captains cautiously detached themselves from it. Men closest to the President, notably Conkling and Oliver P. Morton, were seen to be unavailable for a Presidential nomination. The Republican rank-and-file demanded a reform candidate, like Bristow or Hayes. After the compulsory resignations of the spring and summer, but one man in the Administration retained high prestige and general respect—Secretary Fish.

The Administration did not, it could not, resist the investigations. But Fish's diary shows that they were accompanied by a great deal of friction between Department heads and House leaders. Even Bristow, despite his reformatory tastes, resented some House demands. A committee asked him to show it the recommendations upon which a certain Treasury official had been appointed, and the papers bearing upon his subsequent removal.² Bristow did so. But the committee then demanded the names of all persons who had spoken to him upon this appointment and removal, with the purport of their statements! This was as indefensible as the demands the Senate later made upon Grover Cleveland under the Tenure of Office Act, which Cleveland so dramatically resisted. Bristow resentfully brought the request before the Cabinet, which decided that it should be ignored. Fish also writes: ³

¹ To G. S. Orth, December 10, 1875; Letterbooks.

² *Ibid.*

³ Diary, March 24, 1876.

Bristow has received a subpoena . . . signed by the Speaker of the House calling upon him to produce several original papers, some of which he has responded to, but the question is a grave one whether the House has the right to call for such papers. No decision is reached on the abstract question. As the question will probably come up again, I call attention to the fact that the Treasury stands in a different position to Congress from the other Departments; as it makes its report to Congress, while the others make theirs to the President.

Jewell mentions that the Committee on Postoffices and Postroads of the House had sometime since entered a subpoena . . . requiring the production of a large number of papers, including original vouchers to the amount of nearly half a million; that the clerk and messenger of this Committee are both persons discharged from the Postoffice for fraudulent proceedings, and that he is unable to obtain possession of these vouchers.

The House at one point showed distinct impertinence. It passed a resolution by Representative Blackburn calling upon the President to inform it whether he had performed any executive acts or duties at points distant from the seat of government, and if so, for what period and what reasons. This was a revival of the old charge that Grant spent too much time idling at Long Branch. The Cabinet discussed it with much irritation. In due time Grant made a spirited reply, pointing to the long absences of nearly every President since Washington from the capital, and to the efficiency with which public business could be transacted from other points. Meanwhile, the Cabinet had again discussed the "annoyance" of the repeated House resolutions for information, and the "extraordinary range" of its demands.⁴

Grant shortly laid down the sensible rule that no original document might be taken from Departmental files for the use of Congressional Committees. Sworn copies could be taken, and free access to the files was to be permitted; but books and papers which might be essential to executive work must not be removed.⁵ Bristow had already acted on this principle, sending sworn copies only and keeping strict account of the cost of making them.

When the Cabinet discussed what course it should take if questioned upon conversations between the President and its members, Bristow again advised a defiant stand. "I shall say that conversations within the Cabinet are privileged and cannot be revealed," he declared. He recalled that when President Johnson's impeachment was about to be

⁴ Diary, April 4, April 7, 1876.

⁵ Memorandum by Assistant-Secretary Cadwalader in Fish Diary, April 18, 1876.

voted, Secretary Stanton had told Congressional leaders of what took place in several Cabinet meetings. But Bristow thought he had done this hastily or inadvertently. Indeed, James Speed, who had been Attorney-General 1864-66, had told Bristow that he remonstrated with Stanton, who confessed that he had acted thoughtlessly and mistakenly. The Cabinet agreed that all consultations between the President and its members, or between Cabinet members alone, were confidential and should never be disclosed. They agreed also that any member who was called before a Congressional Committee should state this position at the outset.

All this was entirely proper. But the Democratic investigators had ample evidence at hand and discovered a staggering mass of corruption without prying into Cabinet secrets.

Even the State Department, or rather the diplomatic service, did not wholly escape. Everybody knew that Fish's vigilance, industry, and stern integrity lifted his Departmental work in Washington above suspicion. But British victims still complained of Minister Schenck's activities in promoting the Emma Mine swindle. A House Committee under the brilliant Abram S. Hewitt examined Schenck's connection with it. It found what Fish himself should have discovered, and punished by dismissal, four years earlier. In Europe, Schenck's name had become a byword. As an American observer testified, it was seldom mentioned without a laugh, a sneer, or an explosion of wrath.

Schenck's pose as the frank, innocent investor in a reputable property was quickly exploded. It was shown that he had really known nothing of the Emma Mine, a Utah silver holding which bore a shady reputation. When the Emma Company was organized in England he had lent his name as Minister to its advertised list of directors in return for an annual salary of \$2,500 and the offer to carry £10,000 worth of stock in his name one year free of charge, with guaranteed dividends. If the stock fell he could surrender his block without loss; if it rose he would profit handsomely. It was for these money payments that he had helped push the company—that even in withdrawing under Fish's orders, he had assured Britons that it was a good investment. When he received inside information that dividends would cease, he had not only disposed of his holdings at high prices but had tried to sell the stock short. Exposure of these manipulations brought Schenck home in disgrace in the spring of 1876, after pleading diplomatic immunity at the London

station to avoid a court writ.⁶ We may be sure that they gave Fish some self-reproachful hours.

The Hewitt Committee refrained from censuring Fish by the slightest word. It showed that he had acted quickly and properly when he heard of Schenck's directorship. It showed that he believed his order to resign had been promptly and fully obeyed. His error lay simply in his ready acceptance of Schenck's solemn word that he held no interest in the mine that he had not paid for. He knew Schenck as a brave soldier, an earnest member of Congress, a loyal subordinate on the High Commission, an effective Minister to England. He knew how heavy was the financial pressure on our grossly underpaid diplomats; he believed that under this pressure, Schenck had thoughtlessly made an improper connection but dropped it when reminded of his duties. Nevertheless, Fish's negligence in the matter was one of his most serious errors. It would have been much to his credit had he made the investigation which Louis Jennings' charges in 1872 demanded, and anticipated the Hewitt Committee's findings. Without judging either Fish or Schenck too harshly—for the latter was quite right when he wrote in resigning, "Don't send anybody here who is not rich"—we may say that the Ohio brigadier should have been ordered home four years earlier.

II

The investigation of the Navy Department was a far more disturbing matter. Secretary Robeson's conduct of it had long been regarded with suspicion; and now a House Committee brought out facts which to many seemed to require his resignation if not impeachment. It was proved that when he took office in 1869 he had been poor, with less than \$20,000 worth of property and a slender law-practise. He had shortly formed business connections with the "grain, feed, and flour commission" firm of A. G. Cattell & Co. of Philadelphia, which did a small business on \$30,000 capital and had never possessed any connection with the navy. As the Cattells testified, after Robeson entered office their commission business consisted almost entirely in levying heavy percentages upon contracts with the Navy Department; and it was evident that the contractors paid these sums simply because of their presumed influence with the Secretary. The Cattells grew rich.

⁶ For full evidence on the Emma Mine see House Report 579, 44th Cong., 1st Sess.; Nevins, *Abram S. Hewitt*, 301 ff. For the accusation that Schenck was a heavy gambler, and his famous pamphlet on draw-poker, see the *Nation*, February 18, 1875.

So, *pari passu*, did Robeson, who had large money transactions of an ill-defined nature with the firm. Although his savings before he became head of the Navy Department had been meagre, they grew so rapidly thereafter that between April 4, 1872, and April 4, 1876, as the Committee proved through his bank-book, he deposited almost \$320,000 with three separate banking houses. One member of the Cattell firm paid for Robeson's property at Long Branch. He likewise made Robeson a present of \$3,000, which he listed in a "gratuity account." Of course the Cattells denied that Robeson had any share in their "commission business," but it was a suspicious fact that the firm's book-keeping was too chaotic to be interpreted, that payments as large as \$180,000 had been entered in a lump without itemization, and that important papers had been destroyed.⁷

In July, 1876, the House Committee reported that Robeson was guilty of carelessness, extravagance, and lawlessness, but declared that it found no direct evidence of corruption. The *Sun* and *Tribune* remarked that it was very exacting, and that it would have been surprising if so shrewd a lawyer as Robeson had left much direct evidence available. But his sudden wealth, his relations with the Cattells, who knew nothing of naval business and yet made hundreds of thousands by regular percentages on naval contracts, and the gaps in the Cattells' books, remained unexplained. "We believe that no man in his senses," wrote Godkin,⁸ "can read the evidence taken and doubt that a secret partnership existed between the Secretary and the Cattells, by virtue of which they levied toll on contracts and he levied toll on them." The Committee asked the House to refer the question of impeachment to its Judiciary Committee, to report at the next session—which proved too busy with the disputed election to think of anything else. But it recommended the immediate court-martialling of two Paymaster-Generals, the Chief Naval Constructor, and the Engineer-in-Chief, and the commencement of criminal proceedings against two subordinate Naval Constructors. The inquiry revealed anew the lamentable weakness of the navy for aught save coast defence, and the atrocious waste of public funds year after year by the "repair" of worthless ships.

⁷ See House Misc. Doc. 170, 44th Cong., 1st Sess.; of this enormous report Pt. 3 is most valuable for the Cattells. A. G. Cattell, E. G. Cattell, and Robeson all had cottages at Long Branch. For Robeson's the Cattells paid \$13,072; Pt. 3, p. 153. See also House Report 784, 44th Cong., 1st Sess., for "Belknapism in the Navy."

⁸ *Nation*, July 20, 1876.

Most painful of all to the country—more painful even than Belknap's downfall—was the House inquiry into the Whiskey Ring Trials. It was not merely that, as the *Nation* remarked,⁹ the “revelations of intrigue, corruption, servility, and lying in ‘Administration circles’ at Washington make up such an exhibition as has never before been presented to the public.” Sadder still was the light which the testimony threw upon Grant himself. Bluford Wilson, who had now resigned office, gave the most striking evidence. With convincing honesty, he brought out Grant's intense hostility to the trials and efforts to hamper them in every way possible. He swore that Grant had manifested open chagrin when the law officers of the government refused to surrender their evidence against Babcock to a military court, and had told Bluford Wilson that it was an “outrage.” He showed that when Grant had been given confidential evidence against Babcock he had promptly imparted it to his secretary. Both he and Edwards Pierrepont substantiated Nordhoff's statement that Grant had ordered the unwilling Attorney-General to write his circular letter forbidding the use of accomplices' testimony. For the first time the public learned that Babcock had forged a passage in a letter by Bluford Wilson to excite Grant's prejudice; that government detectives had been active in crippling the prosecution in St. Louis; and that Grant had accused Bluford Wilson and Carl Schurz of promoting the trials as a conspiracy against him.

Especially curious was Bluford Wilson's testimony upon Babcock's “sylph” letter (“I have succeeded; they will not go.”) Horace Porter, the President's former secretary, had told Wilson that the “sylph” was a disreputable St. Louis woman who had attempted to blackmail Grant; that Babcock and Porter had obtained McDonald's help in getting rid of her; and that later Babcock and McDonald playfully called each other “sylph.” Grant denied this story with a contemptuous gesture. But he showed no resentment toward Porter, remaining on friendly terms with him. The “sylph,” as a matter of fact, had been a young woman with whom Babcock and McDonald had associated in St. Louis, but whom Grant had never seen. The House investigation (at which Pierrepont, Henderson, Dyer, Broadhead, and many others testified) showed that Grant remained wholly loyal to Babcock so long as only

⁹ The full evidence before this Committee, one of the most disturbing documents ever published by the government, is in House Misc. Doc. 186, 44th Cong., 1st Sess. Bluford Wilson's testimony, with many original documents, is given p. 353 ff.

the Ring frauds were in question. But when it was alleged that Babcock had been mysteriously involved in the Black Friday affair, and that he had assigned his property to Gardner, the judge-advocate of the proposed military court, Grant had lost confidence in his secretary. As the inquiry ended, Bluford Wilson's friends published documents which showed that the cause of Attorney-General Williams' resignation was the discovery that various blackmailing letters sent the President, his family, and Cabinet members had been written in part by H. C. Whitley, previously chief detective of the Treasury Department but later employed by Williams, and in part by an unnamed person closely related to Williams. Mrs. Grant's hostility to Mrs. Williams now became clear to Fish and others!

This was the more interesting because still another investigation struck near the President himself. A House Committee overhauled the expenditures of the Department of Justice with special reference to the use of the secret service funds. It found that under Williams some suspicious transactions had occurred with Grant's explicit approval. In particular, John I. Davenport, Federal Commissioner and Chief Supervisor of Elections in New York, had been paid more than \$40,000 by Grant's order for "preventing frauds" in the metropolis, furnishing no sworn accounts and making out no vouchers. Davenport was called to the stand. He testified that he had been one of Ben Butler's crew during the war, serving on his staff in charge of "scouts and spies." After the war he had performed services for the Republican Party in New York. He had helped the Union League Club promote the two Federal Elections Acts of 1870 and 1871, which provided stringent penalties for fraudulent voting and strict oversight of the polling by Federal officers. Receiving his commissionership and supervisorship under these laws, he had gone to work to dig up evidence of fraud, and had spent \$10,000—so he alleged—from his own pocket. Finding that he "was being impoverished," he had asked Grant to have him reimbursed from the so-called secret service fund provided by the second Elections Act. And Grant had obligingly issued the requisite orders.¹⁰

From a mass of confusing evidence just a few clear facts emerged. Davenport had obtained not only \$10,000, but \$34,000 additional—most of it on the eve of the election of 1872. For this he was able to prove no service save about \$12,000 worth of work in compiling re-

¹⁰ House Report 800, 44th Cong., 1st Sess.

cords of voters. Even as to this it was shown (a) that much of the work had been done by men paid from other sources for it, and (b) that it was begun as a private speculation of Davenport's, and the books remained his property! The whole affair appeared as much a "job" as the raid of another of Butler's protégés, Sanborn, on the Treasury. But while Sanborn's raid had been assisted by Secretary Richardson, Davenport's had been assisted by Grant. The House Committee asked why Grant had not ordered Davenport paid from the judiciary fund? It knew no explanation, "unless it be that every dollar of the judiciary fund has to be accounted for in the Treasury Department, by vouchers showing just how it is spent, and not a dollar of the other fund, which is under the direction of the Attorney-General, has ever been accounted for yet."

Fish had heard rumors of this scandal for some time. When the Senate refused to confirm Williams as Chief-Justice, Mrs. Williams had threatened to use it as a weapon against Conkling. Later, when he was about to be dismissed as Attorney-General, she had apparently used it against Grant himself. It is significant that the House inquiry now deeply alarmed Attorney-General Pierrepont. Fish writes under date of April 20, 1876: ¹¹

The Attorney-General, Edwards Pierrepont, called at the Department and expressed great concern at some testimony which had been given before one of the investigating committees.

He had previously told me that Judge Williams had paid about \$185,000 to Whitley, the late chief of the detective service, for which no regular vouchers had been returned; that Whitley had been examined before the Committee, and testified that he had paid \$40,000 to John I. Davenport of New York, by direction of Judge Williams; that Williams had been examined and had testified to the correctness of this statement, and that he had made the payment by the express order of the President, and that he, Pierrepont, felt very solicitous at this disclosure and feared that serious charges would be made against the President.

In the evening he calls at my house, and says that he has seen the President, who was in company with Robeson.

The President told him that the whole expenditure had been made in accordance with the law to prevent frauds in election. Robeson said it was all right, as there was another law besides this one which justified it; that subject had been discussed in full Cabinet and approved. Pierrepont enquires whether I have any recollection. I have not with regard to the authority of the expenditure of the money.

¹¹ Diary.

Fish and others had always found it difficult to understand why Grant retained Williams in his Cabinet after his proved dereliction in paying household bills from Department funds. Whitley, who had paid Davenport \$40,000 under Grant's orders, was now revealed as Mrs. Williams' collaborator in blackmailing letters. Had Grant been entrapped into an illegal step? Was this the secret of Ben Butler's statement to Rockwood Hoar that he "had a hold" on Grant? Was it the secret of the blackmailing letters? Certainly the Federal Elections Acts did not authorize payments for "preventing" frauds; they merely authorized payments for exposing and punishing them. Pierrepont was evidently still alarmed despite Grant's and Robeson's assurances. At this same call on Fish he showed an impatient desire to get out of the Administration at once. What Fish thought of the matter we do not know. What knowledge he had, if any, of Grant's acts in connection with Williams and Davenport is equally a mystery. From the spring of 1876 his diary lapses into reticence on questions outside of State Department affairs; a reticence which reminds us of his statement to his daughter that, in deference to Grant's good name, he had excluded from this record the worst facts which came to his knowledge.

Still other inquiries reflected disastrously on the Administration. A Congressional investigation of the Freedmen's Bank, which had failed with cruel loss to thousands of poor Negroes, showed that it was a monstrous fraud under the guise of philanthropy.¹² It showed also that its connection with "Boss" Shepherd's District Ring had been very close, the bank lending money freely to Ring contractors on worthless security; and everyone remembered how intimate Shepherd had been with Babcock, and how warmly Grant had befriended the boss. An investigation of the New Orleans Custom House proved that Federal money had been drawn on fictitious payrolls and used for political purposes—and everyone knew that Grant's brother-in-law had controlled the Custom House. The summer of 1876 brought the news of Grant's vengefulness toward those who had pushed the Whiskey Ring trials—the dismissal of the efficient Federal Attorney Dyer in St. Louis; the summary decapitation of Yaryan, head of the special agents in the Treasury Department; and the ousting of John C. New, who as Treasurer had been one of Bristow's ablest assistants. The Commissioner of Internal Revenue, Pratt, was actually gotten rid of because he had

¹² House Report 502, 44th Cong., 1st Sess.

kindly given a letter of regret and recommendation to Yaryan on the latter's dismissal—a piece of *lèse-majesté*.

The summer also brought the news of a tragic event which, to those who knew its inner significance, threw another lurid ray upon the President's acts. One of the most effective witnesses before Hiester Clymer's Committee on War Department Expenditures had been General George A. Custer. He had testified courageously to waste and abuses in the War Department's management of Indian affairs, reflecting sharply on Belknap and others. For this the resentful President had removed him from his command on the eve of the expedition which Sheridan had planned against the Sioux in Dakota Territory. Only after loud public outcry and pronounced manifestations of protest from the army did Grant relent sufficiently to permit him to lead one regiment of 600 men, with the rank of major, in an expedition in which he had expected to be the chief figure. Chafing under the injustice and humiliation, Custer showed less caution than was requisite in approaching tremendously superior numbers of Indian warriors.¹³ The night of June 25 found him and his 264 brave soldiers dead on the field of battle in the Little Big Horn Valley.

III

By midsummer the two strongest members of the Cabinet, next to Fish, had willingly left it—Bristow and Jewell. Both had long been under heavy fire. Bristow had acquired a very considerable popularity in the East: his bluff, hearty demeanor pleased the public, his policies as head of the Treasury were recognized as sound, and his destruction of the Whiskey Ring had been a spectacular feat. But the professional politicians detested him. They knew that he had become a veritable symbol of Reform. They knew also, from the first days of 1876, that he would muster a large following in the Republican National Convention. In April and May, when James G. Blaine was laboring under charges growing out of his railroad connections, Bristow's star seemed mounting toward the zenith. Such reform organs as *Harper's Weekly*, the *Evening Post*, and the *Springfield Republican* hoped for his nomination; the reform leaders who met at the Fifth Avenue Hotel in New York in May made it clear that he was their favorite. The natural

¹³ See W. J. Ghent's article on Custer, *Dictionary of American Biography*, with citations.

result was that all the machine leaders, all the "stalwarts," all the adherents of the President, joined hands against him. And between Grant and Bristow the breach swiftly became deep and impassable. The President viewed him with open suspicion and dislike, as a traitor to the Administration of which he was a part.

As the antagonism between Grant and Bristow became intense, Fish did his utmost to mollify both and bring them to a mutual understanding. Between January and April, 1876, he talked repeatedly with them. Grant, whose mind had been "poisoned" (a now-familiar term in this connection) by corrupt officials or jealous politicians, was fierce in his prejudices. At first he had blamed Bristow's advisers and satellites; by the spring of 1876 he spoke of Bristow himself in the most scathing terms. He believed that the Secretary had plotted to ruin him by misrepresenting him as a member or ally of the Whiskey Ring. Fish besought Roscoe Conkling to use his influence with Grant against any abrupt break. He represented to other associates of the President the folly of any party schism at the opening of a hard-fought Presidential contest. But all this was in vain; Grant merely hardened his will, while the hue-and-cry against Bristow increased. Late in April dastardly attacks were made upon his official honor. The Secretary met these imputations of corruption with refreshing promptness: he demanded his accusers' evidence, insisted upon clearing up the question immediately, and covered his opponents with shame. Blaine, Oliver P. Morton, and other leaders were meanwhile allying themselves against Bristow as a candidate for the Presidential nomination. They believed that the attacks of reformers upon them were traceable to Bluford Wilson and other friends of Bristow. When General James H. Wilson, brother of Bluford Wilson, proposed Bristow as a member of the Union League Club of New York, the Secretary was ignominiously blackballed.

Early in May, Bristow resolved that he would endure his galling chains but a few weeks longer. On the 15th Fish, going to the White House, found him there. Their confidential talk was immediately interrupted by the arrival of Edwards Pierrepont. The two soon left together, and as they went Bristow poured out his anguish to Fish: ¹⁴

He said he regretted Pierrepont's coming into the room, as he wished to have a conversation with the President in my presence; that his continuance in the Cabinet was exceedingly irksome and disagreeable to him; that the

¹⁴ Diary, May 15, 1876.

President was again under the influence of the Whiskey Ring and accepts their statements, and was about to remove one of Commissioner Pratt's most trusted officers (Yaryan); that he had made up his mind to fix a day when he should retire from the Cabinet; that he was undecided whether to ask him to name the first of June, or the end of the present fiscal year (June 30), but he would not remain longer; that he was being charged with circulating reports against others, when in point of fact there was a band of detectives who were dismissed persons from the (Treasury) Department for fraud and improper conduct who were persecuting him in every possible way—visiting every part of the country where he had ever lived or practised law or done any business, hunting up every case in which he had been employed and every transaction in which he had ever been engaged, misrepresenting them and maligning him; that these persons were impecunious, had an office in Washington, and were supported by funds drawn from New York and directed by those hostile to himself; that he could and would no longer endure the annoyance of his position.

Fish by this time realized that Bristow's early departure was inevitable, and made no demur. He frankly said that the imprudence of several of Bristow's supporters, including Bluford Wilson, was partially responsible for some of the attacks on the head of the Treasury. Other candidates for the Presidential nomination (he meant Blaine, Morton, and Conkling) sincerely believed that the hostility they encountered among reformers had been instigated by the Bristow group, and had retaliated. Bristow at once disclaimed any sympathy with the recent assaults upon his Republican rivals. He was irritated and depressed, and spoke of the action of the Union League Club with evident pain.

For three weeks longer the situation dragged on without change. Grant and Bristow evinced a freezing coldness to each other at Cabinet meetings. Then on June 6, at the close of one such icy meeting, Grant asked Fish to remain. When the room was empty he said confidentially that he and Bristow had held a long conversation the previous day. Bristow had given his resignation, to take effect June 20, that being his forty-fourth birthday and also a date subsequent to the coming Republican Convention. "I wish nothing said of it," cautioned Grant,¹⁵ "for I have not mentioned the fact and will probably not do so until after the Convention."

The announcement, made soon after, was received by the best part of the press and public with profound regret. Bristow was easily the best Secretary of the Treasury since McCulloch; next to Fish, he was

¹⁵ Diary, June 6, 1876.

easily the ablest officer the Cabinet had known since the resignations of Cox and Hoar. He was loved for the enemies he had made. Under a happier star, he might have been Grant's successor in the Presidency, for he had shown strength, integrity, and unyielding courage. It was his misfortune to serve in such an Administration that his very display of courage and reformative zeal made an enemy of its head.

With him departed his fellow-adherent of reform, Postmaster-General Jewell. He had offended the politicians by his stern refusal to let spoilsmen and corrupt contractors play havoc with his department. One of his first acts had been to break up the practise of obtaining postal contracts by a felonious abstraction and examination of competing bids. He had discharged incompetent officers, punished participants in fraud, and made honesty and fidelity the basis of employment. He offended Zach Chandler by refusing to let the Postoffice be made an auxiliary of party politics.¹⁶ A typical spoilsman was quoted as saying, in explanation of the fact that "the boys don't care much for Jewell": "Why, God damn him! he runs the Postoffice as though it was a factory!" It was easy for the politicians to "poison" Grant's mind against him also. As early as June 18 the President spoke to Fish of the urgent desirability of replacing him by another man. Fish protested. "I express my opinion that it is not desirable unless for good reason," he writes.¹⁷ "He, however, seemed strongly inclined to make the change."

Thereafter Grant treated Jewell with brusque discourtesy. On June 18 the Cabinet discussed the fact that although the fiscal year was about to expire, Congress had not yet made appropriations to keep up the work of government. Jewell declared that he would continue to carry the mails, appropriation or no appropriation, a stand in which public sentiment would certainly have supported him. Grant remarked that he must conform to the law, and Jewell replied that he would maintain the mails unless the President gave orders to the contrary. For some reason this offended Grant.¹⁸ Perhaps he thought that Jewell ought to be willing to stop the mails without placing the responsibility upon the Chief Executive! He also informed Fish that Jewell had misrepresented him in making public announcement that the entire Administration

¹⁶ These last are his own words; *Nation*, July 13, 20, 1876.

¹⁷ Diary, June 18, 1876.

¹⁸ Diary, June 27, 1876.

desired a large reduction in Western Union rates upon government telegrams. This announcement had offended the heads of the Western Union, who had evidently come to Grant! He had been brought to a thoroughly prejudiced view of Jewell—and he never abandoned a prejudice. The climax was a scene in which Grant treated his Postmaster-General with downright rudeness—a scene pictured with dry conciseness in Fish's diary:

Monday, July 10, 1876.—Returned yesterday from New York, and called on the President this morning, and found him talking with Jewell of some appointments.

The President manifested much impatience and to several questions which Jewel put answered he would attend to it himself.

He then requested Jewell to leave the room and wait, as he wished to speak to me. As he left the room, the President said he intended to ask him for his resignation, as he could stand his annoyance no longer, and asked me whether I knew Mr. Thompson of Indiana, who he thought had been in Congress while I was in the Senate.

I asked him if he meant Dick Thompson. He looked up his card and found it was Richard W. Thompson. I told him he was, I knew, an uncommonly eloquent man, but I was under the impression that there were some stories connecting his name with some land affairs which were not satisfactory.

He said he thought of appointing him or Tyner as Postmaster-General.

Jewell's resignation also was widely lamented. He was received in Connecticut with warm testimonials of sympathy and esteem. Independent editors amused themselves by compiling a list of heads that had fallen under the Presidential axe within a few weeks—a Secretary of the Treasury, a Postmaster-General, a Commissioner of Internal Revenue, a Chief of Special Agents, a District Attorney, a First Auditor and Fifth Auditor of the Treasury, a Treasurer, and a Solicitor of the Treasury. It would be easy to say that the Secretary of State should, by a prompt resignation, have joined the exodus. His great work was done. His departure would have been a salutary moral protest against Grant's recent acts. There was no longer aught but discredit in a connection with the Grant Administration; with a gesture of austere self-purification, he could have detached himself from it. But Fish still thought—and there can be little doubt that he was right—that his duty lay in driving his furrow to the end.

IV

Meanwhile, the Republican National Convention, meeting June 14 in Cincinnati, had faced a difficult problem. Throughout the early spring Blaine had held the strongest following and his nomination had seemed probable.¹⁹ But on May 31st James Mulligan of Boston had appeared before one of the House investigating committees—and from that hour Blaine's chances sank. He was still an active aspirant, but his explanation of the "Mulligan letters" and of his railway transactions was far from satisfactory. A large field of candidates pressed him hard. One was Oliver P. Morton, who had the support of Indiana and had been diligent in obtaining Carpetbag delegates. Three others were Conkling, Hartranft, and Hayes, the favorite sons of New York, Pennsylvania, and Ohio respectively. Veteran calculators estimated that Blaine would receive nearly 300 votes on the first ballot, Morton about 130, Conkling about 100, and Hartranft and Hayes about sixty each.²⁰ Bristow's strength was difficult to measure, but it was believed that he controlled more than 100 delegates. If Blaine failed, it would be anybody's race.

Many astute men believed that Fish would be the best possible nominee. President Grant himself concluded shortly before the convention that a "dark horse" would win, and fixing upon Fish as the strongest man, wrote a letter to be used in his behalf if opportunity offered. George William Curtis declared in *Harper's Weekly* that if men were properly informed of the services Fish had rendered during the preceding seven years, they would realize that he stood preëminent among those to be considered for the nomination. Thomas Nast supported this statement by a cartoon in which he presented Fish for President and Hayes for Vice President as the ideal ticket. Kenneth Rayner of North Carolina published a letter in the *New York Times* urging Fish's nomination. But he would be sixty-eight years old before election day; he lacked the support of his State, controlled as it was by Conkling; and he did not want the nomination. He wrote Rayner that he was "not even an aspirant"; that he had been too long behind the scenes not to know how much of the apparent pomp and splendor of office was really

¹⁹ Rhodes, *United States*, VII, 209 ff.

²⁰ Stanwood, *History of the Presidency*, 3rd ed., 313 ff.

but "pain and toil and vexation"; and he wished only to close "with credit the part assigned me in the present role." He was an impartial onlooker at the contest.

As such, the eager manoeuvring of some of the candidates disgusted him. He was displeased by the conduct of Bristow's aides. He was still more displeased by Conkling. That temperamental and imperious autocrat grew petulant when Grant preserved an outward neutrality between him and Morton. He indulged in peevish outbursts, and late in April went to Attorney-General Pierrepont, who had become his supporter, with a set of vehement complaints. Pierrepont reported them to Fish. Conkling grumbled that the Administration had given him no endorsement; that he had received no support from Chandler in the Interior Department, from Jewell in the Postoffice, or (looking Pierrepont full in the face) from the Department of Justice.²¹ A little later Conkling came to Fish himself with the same reproaches. He declared that the Administration had never granted him any patronage—though it was notorious that Chester A. Arthur had been made Collector in New York, and Thomas James Postmaster, at his desire. He complained particularly that he had never been given the disposal of any foreign appointment. Fish did not quarrel with the crestfallen leader, whose reproaches sprang from the bitter disappointment of long-cherished hopes that Grant's mantle would fall on his shoulders. The Secretary did, however, compile a list ²² of thirteen or fourteen appointments, including two Ministers, one consul-general, and nine or ten consuls, which had been made on Conkling's written recommendation!

But Blaine's conduct was the most reprehensible. That adroit leader, forced to deal with the charges against him, had staged a *coup de théâtre* in the House on June 5, reading part of the Mulligan letters (nobody knows how much he suppressed) with his own comments. The next Sunday, June 11, he suffered a seizure which made further appearance before the House Committee impossible. This illness, on the very eve of the Convention, was convenient as making further inquiry into the letters impossible, but inconvenient as raising a question of Blaine's physical fitness for the Presidency. The day the Convention opened Blaine called upon Fish to play a part which he found exceedingly distasteful. The story is told in his diary:

²¹ Diary, April 20, 1876.

²² Diary, June 26, 27, 28, 1876; Memorandum, Fish to Grant, July 13, 1876; Fish Papers.

June 14, 1876.— . . . Returning home about 5:30 o'clock, and being engaged to dine at 7 with Mr. Cadwalader, who was sitting with Mrs. Fish and myself in the parlor, Mr. Blaine's son (Walker, I think) called, saying his father asked whether I could take him for a short drive this afternoon, at about 6:30 P. M., in an open carriage.

I told him I would be glad to place the carriage at his disposal, but being engaged to dine at 7, I might not be able to accompany him, but that possibly he might like to drive with Mrs. Blaine. He replied that his mother could not accompany him. I suggested Mrs. Fish, unless he had some other companion. He hesitated, but said he thought his father wished me to ride with him.

I then told him I would call. He thanked me, and remarked, as I thought incautiously, "That will have a right good effect in Cincinnati."

We took the drive, Mr. Blaine indicating the streets through which we should pass. When I returned from dinner, Governor Jewell walked with me to my door, and while standing there Dr. Verdi, one of Mr. Blaine's physicians, passed, apparently coming from Mr. Blaine's house. He stopped, as he said, to thank me for taking his patient out to drive.

I remarked that I hoped there had been no ill consequences from the drive. He replied, "Oh, no. He went to bed soon after, and is sleeping as quietly as a child. But the news has been telegraphed to Cincinnati, and has produced great enthusiasm among his friends."

Blaine had not only advertised his convalescence, but had made it appear that the Administration was solicitous for his early recovery, and that Fish, who actually had never admired him and now regarded him with distrust, was his demonstrative friend.

When the palm went to Rutherford B. Hayes, Fish was well content. He knew that the party could easily have made a far worse choice. Moreover, its unity was now assured. Had Bristow been nominated, the powerful body of politicians aligned with the Grant Administration would have been sulky or hostile. Had Blaine, Conkling, or Morton been named, an equally important body of reformers and independents would instantly have swung to Samuel J. Tilden. With good reason, Hayes was the one candidate who had gained strength on every ballot of the Convention.

The clamor and excitement of the most closely-fought Presidential battle in our history began. When Congress adjourned in mid-August all the activities and scandals of the Grant Administration fell into the background. Men were glad to forget it; glad to fasten their eyes on the promise of a fairer day offered by the Centennial Exhibition in Philadelphia, with its proofs of scientific and educational progress, its

imposing exhibits of manufactures, its art-galleries, and its striking new inventions. Fish might now have retired gracefully. But as we have said, he chose the better part in remaining.

V

Why? Why not drop out with Bristow and Jewell, leaving the Administration to unrelieved discredit? For one reason, Fish had piloted the nation's foreign affairs through seven years of fair and stormy weather; was it not his duty to see the remaining eighth of the course well and truly completed? For another reason, Grant's Cabinet was practically re-made during six months of 1876; the steadying hand of its senior member was much needed. For a third, he could still restrain Grant himself from errors dangerous to the nation.

Fish had approved Grant's choice of Alphonso Taft, an Ohio lawyer and judge of high repute, as successor to Belknap in the War Department. We have seen that when Grant proposed to fill the Postmaster-Generalship with Richard W. Thompson, Fish prevented it on the ground that he had been engaged in land scandals. The place went to James N. Tyner, Second Assistant Postmaster-General, who at least represented the principle of promotion. It is related that Grant called him to the White House. "I have decided, Mr. Tyner, to ask for your resignation," he said. Tyner reddened and bowed his head submissively.—"And to appoint you Postmaster-General," said Grant.

Another change in the Cabinet grew out of Schenck's enforced resignation as Minister to England. At the beginning of March, 1876, the British mission was offered to Richard Henry Dana, Jr., an ideal appointment. Fish had been at great pains to bring it about, and to disabuse Grant of the fear that Dana, as a Bostonian and a Harvard graduate, was too heavily impregnated with Sumner's ideas. Though best known for his immortal *Two Years Before the Mast*, Dana was an expert on maritime law and usage, had written much on general legal topics, and in 1866 had brought out a revised edition of Wheaton's *International Law*. Fish hoped that the Senate would confirm him at once. But the nomination met vigorous opposition from three sources: from Ben Butler, who accused Dana of bolting the Republican ticket on several occasions and who especially resented the fact that Dana had contested Butler's Congressional district with him in 1868; from Wil-

liam Beach Lawrence, who charged that Dana had pirated the notes to Lawrence's own earlier edition of Wheaton's *International Law* (1855); and Simon Cameron, who wished to see his son Don made Minister. The intervention of so intellectual a figure as Lawrence was especially deplorable. Fish keenly resented the attempt of his old law-partner to defeat "one of the best nominations that could be made."²³ The Senate Foreign Relations Committee first requested Grant to withdraw the nomination. When, with Fish's backing, he refused to do so, the Committee made an unfavorable report. The question then, in April, 1876, came before the Senate for decision.

Fish knew that the charge of plagiarism against Dana had no real substance. The heirs of Henry Wheaton, who died in 1848, had found repeated editions of his *International Law* called for; they first employed Lawrence, whose well-annotated edition had high value; when some of his opinions gave offence to Northerners during the war, they turned to Dana; and Dana used Lawrence's work as freely as that of other authorities on international law, but not more so. Many of his notes resembled Lawrence's, his translations were almost identical, and he reproduced a quotation of Lawrence's from Blackstone which included a typographical error. But his borrowings were broadly legitimate; he added much original material of his own; and the work was not for his own profit, but that of the Wheaton family, which claimed the sole ownership of Lawrence's notes.²⁴ Lawrence's waspishness had long been notorious. But for Ben Butler any club sufficed to beat Dana. Cameron, hopeful of an important place for his son, brought Conkling over to the opposition by adroit overtures; he spoke highly of the latter's Presidential aspirations and gave out an interview in which he said that Conkling was steadily gaining strength. Oliver P. Morton joined the hostile alliance. The result was unescapable: to the chagrin of intellectual circles in both England and America, the Senate defeated Dana's confirmation by the emphatic vote of 31 to 17.

The upshot bore out the shrewd calculations of Simon Cameron. Grant considered various names for the English post. His first proposal was almost incredible. When Fish and Hewitt discussed the latter's report on Schenck, Hewitt gave as his principal reason for wishing to include some words of censure for the Administration the fact that he had

²³ Diary, March 15, 1876; see C. F. Adams, Jr., *Richard Henry Dana, II.*

²⁴ See the careful examination of this question in the *Nation*, April 6, 1876.

strong ground for believing that Schenck would be allowed to return to London. He had heard that Schenck had gone to the White House and implored to be sent back! Grant now proved that there was truth in this extraordinary story, for Fish writes: ²⁵

I talk to the President of the action of the Senate in the rejection of the nomination of Mr. Dana. He suggests Schenck again. I tell him that with a sincere regard for Schenck, I do not think it would answer; that the criticism for retaining him has not been confined to the Democratic press, but has been equally strong in a large majority of the Republican papers.

Schenck again! Here alone is sufficient indication of the reasons why it was well for Fish to stay in the Cabinet. Great pressure was exerted for the appointment of a New York attorney named Stoughton. But Fish, who knew the details of a grave scandal connected with his name, protested vehemently. Then Attorney-General Pierrepont, with a suddenness which surprised everybody, decided that he would accept the English mission if it were offered—announcing this decision to Fish on the same day that he expressed fear that Grant would face grave charges over the secret-service expenditures. He would make a good Minister, and Fish assented. This left the Attorney-Generalship vacant, and Grant at once asked how it would do to appoint Stoughton to that office! "I told him," writes Fish, ²⁶ "I feared it would give rise to a great deal of scandal, and I thought it very inadvisable at present to incite any more criticism of public men than possible." For a time Grant thought of appointing Wayne MacVeagh, a choice which Fish warmly approved. But after consulting with various Senators, and especially Cameron and Conkling, the President decided to move Alphonso Taft from the War Department to the Attorney-Generalship, and to select Don Cameron for the former position.

Don Cameron, as readers of *The Education of Henry Adams* know, was a man of character and ability, with a wife (the niece of John Sherman) of wit and beauty. Yet his appointment was astonishing. A man of forty-three, he had never held office, was known only as the head of a small railroad, the Northern Central, which had recently been absorbed by the Pennsylvania system, and had no claim to a Cabinet position save as the son of Simon Cameron. Political commentators

²⁵ Diary, April 6, 1876.

²⁶ Diary, April 25, 1876. Fish proposed Cortlandt Parker of New Jersey, a gifted man who refused diplomatic appointments under Hayes and Arthur, for the place.

surmised that he owed his appointment to a bargain between his father and Conkling, by which the Pennsylvania delegation was to be swung to Conkling in the Republican Convention, and Conkling was to furnish White House favors in return.²⁷ Though the event at Cincinnati did not bear out this surmise, this was perhaps because Conkling's chances were seen to be hopeless. At any rate, he was far better than Stoughton.

But Fish's chief service in connection with the Cabinet was in helping Grant select a fit successor to Bristow. The President's first impulse in filling the Treasury was not to find an able administrator of finance, but someone acceptable to leading politicians and ready to help eject Bristow's aides in the Whiskey Trials. Speaking with Fish in June, he suggested another Cabinet shake-up; moving Zach Chandler from the Interior Department or Don Cameron from the War Department to the Treasury! Of the two he preferred Cameron. Fish objected to these transpositions. He objected also to the men. "I ask," he writes,²⁸ "if he is sure of Cameron's being sound on the currency question, saying that his father is a little shaky, and that it is most important that he should not only be strong but aggressive." So it was; an unfriendly Secretary could easily cripple the Resumption Act of 1875. Don Cameron's views were uncertain, and he later became an outspoken silverite. When Fish suggested the name of Senator Lot M. Morrill, Grant caught at it "very cordially." Morrill had paid close attention to finance, opposed the Inflation Bill, and ardently supported the Resumption Act. The President at once made the appointment—and no better Secretary could have been found.

Thus between February and July, 1876, the Cabinet was virtually remade. New men were administering the Treasury, the War Department, the Department of Justice, and the Postoffice. Of the older members, Robeson was left without reputation and facing possible impeachment; Zach Chandler was being permitted—very improperly—to give most of his time to managing the Republican national campaign. Since the beginning of his term Grant had been served by twenty-five Cabinet ministers, with a longer list of resignations and replacements than any other President in our history can show.²⁹ Save for Fish, he had systematically gotten rid of the ablest and most upright of his Cabinet

²⁷ *Nation*, May 25, 1876.

²⁸ Diary, June 19, 1876.

²⁹ This includes Sherman in the War Department, and one other temporary incumbent. Theodore Roosevelt had 18 different men in the Departments represented in Grant's Cabinet.

officers within a short time after their appointment. Rockwood Hoar, taking office in 1869, had gone out in 1870. Jacob D. Cox had kept his place hardly longer. The able Bristow and faithful Marshall Jewell had been retained for only two years. Had Fish now resigned, the inexperienced and ill-assorted Cabinet would have lacked the one mentor and guide who gave an element of statesmanship to the Administration.

VI

To the very end Fish was resolved to permit no meddling with his Department by the political gangsters who infested the capital, and to repel every attack upon his prerogatives. In April, 1876, he crossed swords with Zach Chandler in a significant way, foiling his and Senator Conkling's effort to stultify the President in order to gain a petty political object. The scene was a Cabinet meeting on the 7th. Chandler remarked that one Parsons, a Federal office-holder in Albany, wished to accept a nomination for State office. Conkling had asked him to obtain from the President an exception to the Executive Order of 1873 which forbade Federal appointees to run for State office unless they first resigned. This was one of the most salutary orders Grant had ever issued, and Fish bristled resentfully. He writes in his diary: ³⁰

This Executive Order was issued through the Department of State. The head of that Department is from the State in which Albany is situated, and of which Conkling is Senator, but he (Conkling) selects the Secretary of the Interior to do such work.

The President without hesitation said, "Yes, if he is a Republican, and he must be, if Conkling wants it." I said, as quietly as possible, that "This revokes your Executive Order." The President said, "The order was intended to prevent a number of Federal officers filling the legislatures of Southern States."

I answered, "It went much further, and much correspondence took place, and a particular definition was made and published of local offices which could not be held by Federal officers, confining those which could be held principally to school offices and the like." The President said he had relaxed it with reference to several smaller towns and villages, to which I replied that the order had been officially proclaimed through the proper Department, and there had been no official or authorized public revocation in any case. Chandler said, "Then I will tell Conkling you authorize the acceptance of the place."

Sometime later, towards the close of the meeting, the President asked

³⁰ Diary, April 7, 1876.

Chandler where the place was that the office was to be held, adding that he had remitted the order in some small towns, etc. Chandler replied, "Albany." I added, "The capital of the State of New York." After a moment's pause the President said, "I do not think he ought to take the place." Chandler said, "Cannot I tell Conkling that you will allow it?" "No," said the President, "I must stand by the order." "Then," said Chandler, "must I tell Conkling that he cannot hold it?" The President answered, "Yes."

Early in the summer, again, he had stood like a rock in preventing the consumation of Tom Murphy's final attempt to raid the Treasury. We have noted that on January 27, 1875, Grant came to Fish with the strange story that Murphy had disbursed a large sum as the second year's rental for Samana Bay, and had asked if Fish could not repay it out of the funds of his Department. When Fish said no, he had asked if payment could not somehow be arranged without recourse to Congress.³¹ Murphy offered no proof of disbursement. Even if he had, Congress had never authorized the payment of rental. The Jay Cooke Papers indicate that Murphy, Jay Cooke, Henry D. Cooke, and Spofford, Tileston had advanced the rental, but that Collector Murphy's share of the payment had been small, and that Spofford, Tileston had bargained for certain private advantages in return for their outlay.³² Nevertheless, Murphy finally asked \$150,000 for all concerned, and Grant had wished the Secretary to assist in obtaining it!

Now the claim was adroitly resurrected. On July 14, when Fish was with Grant at Deer Park, Md., Murphy unexpectedly called at the State Department. He had evidently chosen the moment of Fish's absence.³³ To Assistant-Secretary Cadwalader he explained that William Windom of Minnesota, chairman of the Senate Appropriations Committee, was about to send the Department a message asking what sum had been due to Santo Domingo for the lease of Samaná Bay. Conkling, he went on, had arranged to include Murphy's claim for \$150,000 in the Sundry Civil Appropriations Bill, slipping it into the measure in Conference Committee, so that it would not be debated by the two houses. But Windom had asked for more information upon the item, and was hence sending a telegraphic inquiry. He wished Cadwalader to furnish the right answer. The amount which had been paid by him-

³¹ Diary, January 27, 1875.

³² Henry D. Cooke to Jay Cooke, July 13, 14, 1871; Jay Cooke Papers.

³³ Diary, July 14, 1876.

self and other patriotic men for the second year's rental, he explained, was \$150,000; he was now to be repaid \$50,000, and Spofford, Tileston were to get the remaining \$100,000. If Cadwalader would simply send Windom a telegram to the effect that the State Department considered the item proper, the Senator would be satisfied and the appropriation would pass!

But Cadwalader was no simpleton. "Does Senator Windom understand the facts about your advancing the money?" he inquired. "No," admitted Murphy. Then, seeing that he had blundered, "Yes." Some further conversation ensued. "Well," Cadwalader finally said, "I do not believe in your claim. I will not stand in the way of getting the money out of Congress if Congress wants to give it. But I will certainly not send Windom a telegram which he will regard as the assent of the Department to the justice of the claim and the propriety of an appropriation. And you had better not have me answer any questions about it. If I do, I might hurt your scheme for an appropriation." Murphy waited for half an hour, and then left. He had barely gone when Windom's telegram to Fish arrived. It read: "Have the United States paid the amount due under lease of Samaná Bay? If not, how much is due and for what time?" Cadwalader telegraphed: "In the absence of Mr. Fish I cannot reply to your telegram just received."³⁴

Fish did not return to his desk till four days later. The day before he came back Murphy sent a despairing telegram to Grant at Deer Park:³⁵ "Committees of both houses have agreed to the payment of one year's rent for Samana if the Secretary of State will telegraph Senator Windom today that such rent is past due and unpaid. Tomorrow will be too late. T. M." This message reached Fish's desk with the following White House endorsement: "Mr. Murphy says it is most important to have this matter attended to at once, and the President has directed me to send you a copy of the dispatch and ask you to consider it at once. Very respectfully, U. S. Grant, Jr., Secretary." Grant knew better than to *direct* Fish to take favorable action! He would instantly have had the Secretary's resignation had he done so. Fish at once sat down and wrote Windom the following note, a flat refusal to approve the claim:³⁶

³⁴ Windom to Fish, Cadwalader to Windom, July 14, 1876; Fish Papers.

³⁵ Murphy to Grant, July 17, 1876; Fish Papers.

³⁶ Fish to Windom, July 16, 1876; Letterbooks.

For the purpose of explanation, I enclose a copy of the agreement respecting Samana Bay, entered into by General Babcock with the Dominican Government, the history of which agreement, so far as the action of the Senate is concerned, is known to you.

I am not aware of any payment made to the Dominican Government on account of the occupation of the Bay other than one year's rent paid in advance.

I also enclose herewith Executive Documents Nos. 17 and 34, 41st Congress, which give, I believe, all the information on the subject in the possession of the Department.

The following evening Grant requested Fish to call at the White House. He said in a rebuking tone that Murphy had complained that this letter to Windom would do him no good. Fish might have replied that he did not wish it to! He more tactfully contented himself with remarking that he had given Windom all the facts but had avoided any legal conclusions. "In the course of the conversation," he records,³⁷ "I told him that I had on several occasions advised Murphy that neither the President nor I could present the case to Congress unless a demand were made by the Dominican Government; that Murphy had said he would obtain such demand, but that I had learned the Dominican Government had been fully paid, and that the claim was now held by Murphy and Spofford & Tileston of New York. He remarked, 'That's true, it's a claim of our own citizens and should be treated as such.'"

This incident requires no comment. Murphy may have been entitled on moral though not legal grounds to a small payment. He was certainly not entitled to \$50,000, for the papers of Jay Cooke show that he and Henry D. Cooke had advanced a lesser sum (\$20,000 or \$30,000 at most) to save the Samaná lease. Their motives may have been honorable.³⁸ But Spofford, Tileston had speculated in Santo Domingo affairs with dirty hands, and the attempt to give them \$100,000 was indefensible. The methods used by Murphy, Conkling, and Grant himself in trying to slip the appropriation through without Congressional debate or notice were worse than indefensible. It is pleasant to record that they failed and that no payment was made. It is not so pleasant

³⁷ Diary, July 19, 1876.

³⁸ Henry D. Cooke wrote his brother Jay Cooke on July 13, 1871, that he was disgusted by the speculative activities of Spofford, Tileston & Co.; but "we agreed to advance part of the amount purely from patriotic motives—to save the credit of the government and to prevent the forfeiture of its lease from San Domingo." He added that "if the other parties back down, we may have to advance 20 or even 30,000 to make up the deficiency." Jay Cooke Papers.

to note that, though the Congressional inquiries should have placed the Administration on its mettle to avoid further criticism, this failure was received with chagrin in the White House. There are times when, even after the lapse of two generations, we are tempted to apply to Grant's conduct of affairs a savage term. At its worst it was shameless.

As Fish had played no part in the campaign of 1872, so he stood wholly aloof from that of 1876. He did not believe that a Cabinet officer should throw himself into a national election, and in his diary expressed emphatic disapproval of Zach Chandler's service as National Chairman. At first President Grant, for different reasons, also stood aloof. This quasi-neutrality of the two leading figures of the Administration proved a fact of cardinal importance for the future. When the campaign ended in a disputed election, they were in a position to take a reasonably impartial stand, and to resist the partisans who demanded drastic military action to hold the Southern electoral votes for Hayes. In the end Grant was to display a firmness and elevation which enabled him to close his eight years in the White House in a manner truly worthy of his reputation. Fully told, as at last it can be, the story is a dramatic one.

It was natural for Grant to view the campaign with mixed feelings. He had congratulated Hayes on his nomination and predicted his victory in November. But when he read the candidate's letter of acceptance, which warmly endorsed civil service reform, promised that the South would be allowed to govern itself without Federal interference, and declared against a second term, he was deeply offended. To an Ohioan who called at the White House, he said that the letter was in bad taste, for it reflected upon the policies of the Administration.¹ Hayes found it necessary to write the President a hasty explanation, declaring that his remarks had been intended to unite all factions of the party.² Nevertheless, Grant remained suspicious. Hoping that the Republicans would win, he felt little satisfaction in the thought that a reformer of Hayes' stripe would take his place. Most of the newspapers and former Liberal Republicans engaged in attacking "Grantism" swung into line behind Hayes, and confirmed the President in his feeling that his enemies had captured the party. There were moments when he thought that Tilden's victory might be the best result after all.

His uneasiness and resentment were not lessened by the treatment he received from Hayes' supporters as the campaign developed. Carl

¹ N. Y. *Tribune*, July 15, 1876; Hesselstine, *Grant*, 407.

² Hayes, *Diary and Letters*, III, 334.

Schurz did not hesitate to lard his speeches with sharp criticism of the Administration. Evarts, Bristow, and others implied it if they did not state it. As for the Republican press, half of it extolled Hayes as the very antithesis of Grant. Whitelaw Reid in the *Tribune*, Samuel Bowles in the Springfield *Republican*, and Curtis in *Harper's Weekly* sounded this note day after day. The *Nation* rejoiced³ over "the break in the peculiar system of administration called Grantism which the election will in any case bring." Incensed by such statements, Grant tried to put an end to them. Washington soon rang with gossip upon the efforts of the National Committee to bridle some of its speakers. Grant's own organ, the *National Republican*, printed fierce denunciations. But men like Schurz, Bristow, and Jacob D. Cox could not pretend that the Republican régime had been a model of pure efficiency and that the talk of necessary reforms was iniquitous; they continued to speak their minds, and Grant continued to harbor resentment.

I

While the "Stalwart" politicians disliked Hayes as much as he did, they could not afford to sulk. Many of the Old Guard hoped for a political future, and they had to maintain a place in the party organization. Simon Cameron, Oliver P. Morton, Blaine, and Boutwell were soon strenuously engaged for Hayes, and even Conkling, after pleading ill health, took a tardy place on the stump. These men realized that Hayes' election would wipe off old scores, and serve as an Act of Indemnity and Oblivion for their misdeeds. They also comprehended that if they won votes and established a claim to gratitude, party usage would include them among the beneficiaries of the new Administration, and Hayes would disregard their pretensions at his peril.⁴ Perhaps the most singular feature of the canvass was Zach Chandler's appearance as manager of a "reform" battle. The arch enemy of civil service reform, largely responsible for Jacob D. Cox's dismissal, the chief advocate of assessments upon Federal employees, strove to elect a candidate pledged to abolish all that he stood for. The campaign leader in New York, Alonzo B. Cornell, had just rebuked the Union League Club there for its "impudence" in passing resolutions in favor of pure government. Altogether, the Hayes canvass was an extraordinary spectacle.

³ November 2, 1876.

⁴ See the article by Charles Francis Adams, Jr., in *North American Review*, October, 1876.

Though Grant remained chilly, most of his Cabinet hurled themselves into the battle. While the Secretary of the Interior gave it all his time, the new head of the Treasury, Lot M. Morrill, made a speech in New York full of dire predictions of financial disaster if Tilden were elected. The Springfield *Republican* called it "a foolish and wanton attack on the public credit" which he had sworn to defend. All the Custom House forces were again marshalled in support of the party. The levies on Department clerks and letter-carriers were as relentless as if the practise had never been condemned. High officials assailed Tilden's record as an income-tax payer with statements professedly based on government documents. The new Attorney-General exerted his extensive influence in the South, where he controlled a host of employees.⁵ When the struggle was over Godkin wrote (December 7): "The conduct of Chandler and Taft during the late campaign ought, as well as Morrill's, to be made illegal." That of Fish stood in sharp contrast with it.

One picturesque episode of the summer, which furnished Fish's only connection with the campaign, was the enforced return of William M. Tweed to American shores from Vigo, Spain. Various Republican leaders hoped that the boss, tracked down after a long search, could be used as a witness against Tilden. He might throw light on Tilden's early relations with Tammany and on his income tax payments. Grant himself took pleasure in the idea.⁶ The story of Tweed's capture is interestingly related, with some new facts, in a letter by Fish to Thurlow Weed:⁷

The history of Tweed's arrest is briefly this. In June last our consul-general in Havana reported that two persons travelling with American passports had been clandestinely landed in Cuba, near Santiago de Cuba, whither they were conveyed by a fisherman and were arrested and placed on board one of the Spanish men-of-war.

The consul at Santiago was instructed to look after them and see that they were protected in all their rights. He intervened in their behalf and procured their release from close confinement on board the vessel, and obtained permission for them to come on shore, guaranteeing their presence, etc. Suspicion arose that one of them was Tweed, which was subsequently so far confirmed that the consul-general reported it to the Governor-General of Cuba, who

⁵ Grant made some dismissals and appointments to strengthen the party. The choice of Tyner of Indiana as Postmaster-General was supposed to help Republican prospects in Indiana. Prompted by Illinois Republicans, Grant in August requested the resignation of J. Russell Jones as Minister to Belgium "for the good of the party." Grant Letterbooks, August 13, 1876.

⁶ Grant to Fish, September 13, 1876; Fish Papers.

⁷ Fish to Weed, October 20, 1876; Letterbooks.

agreed, with the assent of the government at Madrid, to surrender both persons to the U. S., and arrangements were making to that effect, when in violation of the understanding (as is reported to the Department), Tweed escaped, sailing in a Spanish vessel for Vigo. The Governor-General, learning his escape, dispatched a steam vessel of war to intercept the other, but it failed in the pursuit. The facts were telegraphed to Madrid, and the government then issued orders to various ports to watch the arrival of the vessel and arrest the two fugitives. . . . After a long voyage the vessel with the persons on board arrived at Vigo, and the two persons were immediately arrested, and our chargé at Madrid was notified of the fact, and that they would be sent back to Cuba, etc. Subsequently the Spanish Government *intimated* to our chargé that it would be more agreeable to them to deliver them in Spain, and as the *Franklin* was under orders to be at Gibraltar (on her return home, as I was informed) within a day or two, she was ordered to proceed to Vigo to receive the parties.

Immediately on the arrival and arrest at Vigo the fact was telegraphed to the N. Y. *Herald* and was published. The sheriff of New York, within a very few days, addressed the State Department, requesting the general government to obtain the return of Tweed to his custody . . .

Fish felt, as did Grant, that Governor Tilden and the New York sheriff had shown a plentiful lack of eagerness for the recapture of Tweed. They had left his pursuit entirely to the Federal Government. Tweed told interviewers that he had sought Spain because his advisers had told him it had no extradition treaty, and "good old sherry" was "very cheap." He impartially assailed Tilden, the Spanish Government, and Fish—but he did not reach home until after the election. It was too late for any damaging revelations.

To the end Grant maintained a correct course in the campaign. He was under great and constant pressure to use the mailed fist in the Southern States, but he made no really improper concessions to it. Many Republicans genuinely feared that Tilden, if elected, would be under the control of Southerners who would destroy the rights of the Negroes and demand compensation for their losses in the war. William A. Wheeler, candidate for Vice President, asserted that the Southern people regarded the 13th, 14th, and 15th Amendments "precisely as the French provinces did their cession to Prussia at the point of the bayonet."⁸ So intelligent a man as Edwards Pierrepont, writing from the calm vantage-point of London, assured Elihu Washburne that he knew the "real sentiment" of the South—"it is that they have been impoverished by the North

⁸ *Nation*, August 31, 1876.

and that if the chance comes they mean to be paid back what they have lost." But other Republicans, like Blaine, tried to revive the passions of the Civil War simply as a means of gaining votes. "We are dealing with a new rebellion," declared Senator Edmunds, who knew well the falsity of his words. The Republicans could obviously not carry a single State of the South but for the remnants of Federal control there, and Grant was besought to reinforce this control.

In one State the rash Democrats supplied genuine reasons for interference. On July 5-6 a riot at Hamburg, S. C., caused the brutal slaying of a number of inoffensive Negroes. The "massacre" was precisely what Grant with a quaint anti-climax called it: "cruel, bloodthirsty, wanton, unprovoked, and uncalled for." When Governor Chamberlain inquired by letter whether the President would supply Federal troops if further disorders made them necessary, Grant advised him to stand firm, "and I will give every aid for which I can find law or constitutional power." He added Mississippi was governed through officials chosen by fraud and violence, and that Louisiana had been the scene of equally deplorable violence. This warning, though extreme in its language, was not amiss.

The disorders in South Carolina continued. Determined to elect Wade Hampton as Governor if not Tilden as President, the whites formed "rifle clubs" and "sabre companies" and in some counties began a wholesale intimidation of voters. Chamberlain issued a proclamation early in October calling attention to the lawlessness of two counties, citing a long list of outrages, and ordering the clubs to disband. The Democrats still showed a defiant and turbulent spirit. On October 12 Grant and Fish met at the Fifth Avenue Hotel in New York to discuss the situation. The President expected a formal request for troops from Governor Chamberlain: ⁹

He said he felt strongly inclined to grant it [military protection], but not yet having received official information or the facts in detail, he would await [them], but asked my opinion on the presentation, as stated by him, to be communicated by Chamberlain's letter, remarking that it was a grave measure. I thought that if the official presentation of facts should sustain the representations as stated by him, that it might be his duty to issue a proclamation.

I enquired whether the Attorney-General was in Washington, and advised that whatever communication he received from Chamberlain should be submitted to his careful consideration.

⁹ Diary, October 12, 1876. For the situation in South Carolina, see F. B. Simkins and W. H. Moody, *South Carolina During Reconstruction*.

The President said that he should not act on so important a subject without most thorough consideration, but that if he did act, it would be efficiently and thoroughly, and would mean "work," as he should send all the available troops into the State to preserve peace. To my inquiry how many he could send, he replied several thousand.

Fish dwelt upon the importance of consideration and care. The request from Chamberlain soon came. On October 17 the President and Cabinet decided to comply with it, and Grant issued a proclamation declaring a state of insurrection and ordering all persons implicated to disperse within three days. Secretary Cameron the same day instructed Sherman to send all the available forces in the Atlantic Department to General Ruger at Columbia. Most independent editors supported the step. Bryant's *Evening Post*, which had long opposed military action at the South, declared the proclamation proper, for there was enough evidence of violence on both sides in South Carolina to make it dangerous to reject the governor's application. The whites received the troops good-humoredly, Ruger promised that they would maintain order fairly, and their presence relieved the tension.

II

Election day, November 7, raised the curtain upon one of the most striking dramas in American political history. Fish, after voting in New York, joined Grant in Philadelphia to attend the closing of the Centennial Exhibition. At dinner at George W. Childs' house on the 9th Grant and he discussed with the other guests the amazing result of the election: Tilden certain of 184 votes, Hayes certain of only 166 but claiming 185, and Louisiana, Florida, and South Carolina in dispute. As they sat talking, reports were brought the President of grave disorders in the South. Alarmed by them, Grant and Fish hurried to the Western Union offices in Philadelphia. Here, as Fish writes,¹⁰ they "heard of the wrecking of trains, tearing up of telegraph wires, and general disturbances." Forces were already available in Louisiana and South Carolina, and Grant at once ordered General Ruger to Florida with troops. He gave him no specific directions. Fish, as they returned to Childs' house in their carriage, suggested that instructions were needed; and next morning the President telegraphed General Sherman asking him to order both Ruger in Florida and Augur in Louisiana to preserve order and to pro-

¹⁰ Diary, November 10, 1876.

tect the legal boards of canvassers in their duties. Fish had written out a sentence: "Either political party can afford to be disappointed in the results of the election, but the country cannot afford to have the result tainted by the suspicion of illegal or false returns." Grant included this in his telegram, and it made a marked impression on the country.

Weeks of tense excitement followed. The first Cabinet meeting after the election, November 14, was largely given over to discussion of the possible necessity of precautions against violence and rioting. The President had been warned to take special measures against assassination. Wild tales were flying about. Fish met Colonel John S. Mosby, the Confederate cavalry leader, who by giving firm political support to Grant ever since 1872 had incurred much obloquy in the South; he was a resident of Warrenton, Va., where he practised law. It was he who had coined the reproachful phrase "the solid South," and he had labored for Hayes' election. "He told me," writes Fish,¹¹ "that the language of the Democrats now was more desperate and more threatening and violent than that of the Southern men on the election of Lincoln in 1860." A warrant for his arrest having been sworn out simply because he had prevented a Democrat from clubbing a Negro at the polls—so he said—he had fled from home. He feared that if Hayes were declared elected there would be bloodshed, and he had heard Democrats say that Grant must be the first man put out of the way. But Fish remained cool.

His coolness was particularly valuable when it became evident that several Cabinet members wished the Federal Government to go much further in interference at the South than he thought proper or constitutional. As he had stood against Belknap and Williams in the Louisiana troubles of 1874, so now he prepared to stand against their successors. For Don Cameron and Alphonso Taft, Secretary of War and Attorney-General respectively, joined hands with Zach Chandler and the discredited Robeson in an effort to commit the President to harsh military measures. It was natural for Zach Chandler, Republican Chairman, hater of the South, and lifelong exponent of rough-and-tumble politics, to take this stand. The tall, handsome Cameron, with his business background, lack of any marked insight, and long schooling in the Pennsylvania machine, also found it natural. But a better attitude might have been expected from Taft. This big, smooth-shaven jurist, so portly that chairs groaned under him, his broad brow speaking intellect and his

¹¹ Diary, November 14, 1876.

tight-pressed lips determination, unfortunately represented the essence of conservatism. Nearly as old as Fish, a graduate of Yale in 1833, he was a Republican of the hardshell school; and spending most of his life in the border-city of Cincinnati, he had learned to suspect and hate the Southern temper. Fortunately, the Grant of 1876 was not the Grant of 1874.

Fish's suspicions of a Cabinet intrigue were first aroused when on November 18 he learned by chance—through a casual word of gossip in the *Washington Star*—of a secret meeting of four members the previous day. When he made inquiries, Robeson and Taft gave him two materially different accounts of it. But he discovered that Zach Chandler, Cameron, Taft, and Robeson had met, apparently by preconcerted plan, in Taft's office just after the general Cabinet session. William E. Chandler of New Hampshire had just gone to Florida as an agent of the Republican National Committee. Here he was moving heaven and earth to turn a small Democratic majority into a Republican majority, and needed all the help he could get. He had written an imploring letter to Cameron, which the four Cabinet members discussed. Cameron had drafted a detailed reply; and at the end of the conference they had telegraphed Chandler that the views expressed in this reply would be given prompt execution. Taft did not tell Fish what these views were. The episode irritated the Secretary, who did not believe the Cabinet should be made an auxiliary of the Republican National Committee.¹²

But Grant had been taught a well-remembered lesson by the public condemnation of his acts in Louisiana and Arkansas in 1874-75, while he had no desire to pull Hayes' chestnuts out of the fire. He acted circumspectly. On November 26, a cold, stormy Sunday, rheumatism kept Fish home from church. Suddenly he was summoned by messenger to an emergency Cabinet meeting at the White House. Word had reached the President that the "rifle companies" in South Carolina intended to muster an army of 7,000 or 8,000 at Columbia two days later to overawe the Legislature which was to assemble at that time. Governor Chamberlain had appealed to Grant for protection against violence. The Cabinet decided that the call must be met; Grant directed Cameron to "sustain Governor Chamberlain in his authority against domestic violence"; and Cameron had troops concentrated at Columbia. This was proper enough. Violence was actually threatened, and the press reported that

¹² Diary, November 18, 1876.

the truculent rifle companies intended to install Wade Hampton in the Governor's Mansion by force. Troops should be at hand.

At first there was general confidence in the impartiality, moderation, and good sense of the Federal officers in Columbia. But unhappily, the troops acted under Chamberlain's orders to occupy the State House itself. On the 28th, contesting delegations of Republican and Democratic legislators arrived from two counties, Edgefield and Laurens. Sentries admitted the Republicans and excluded the Democrats. The former were thus enabled to claim a quorum—though they lacked a clear majority; the latter withdrew in a body to set up their own legislature, and awaited an opportunity to move back into the State House.

These events set the background for a stormy Cabinet discussion on Thanksgiving Day, November 30. Fish was seated with his family at a heavily-laden board when, just after one o'clock, Secretary Cameron called. He held telegrams from Governor Chamberlain and General Ruger. They announced that the Democrats had now obtained possession of the Assembly Hall in Columbia and organized their House there, with the Speaker and Clerk in their usual chairs. Chamberlain asked that Secretary Cameron order the troops to expel them; Ruger stated that he was waiting for directions. "Well?" inquired Fish. He had foreseen for several days that the more extreme Republicans would ask Grant to repeat in South Carolina, with slight differences, what he had done in Louisiana two years earlier. In 1874 troops had been used to drive Democratic claimants from the State House; now they would be used to exclude Democratic claimants.

Cameron admitted as much. "I propose," he said, "to instruct Ruger to remove the Democratic Speaker and Clerk, to put the Republicans in their places, and to expel and exclude from the State House the Democrats from Edgefield and Laurens Counties." At this Fish exploded: ¹⁸

I object strenuously to any such orders or to any force being employed by the military other than in the repression of violence.

He urges that unless this be done the Republicans in Florida and Louisiana will lose heart and abandon their States.

I regret that if such should be the result, but earnestly insist that no wrong step should be taken on the part of the Federal Government, and that the military shall not be employed to control the organization of a State Legislature.

¹⁸ Diary, November 30, 1876.

THE HAYES-TILDEN CONTEST



The discussion was transferred after dinner to the White House. Cameron, Taft, and Grant all assembled in the Cabinet room. Again Cameron, a rapid, impetuous speaker, proposed that troops take charge at the South Carolina State House. Taft in his heavy way supported him. With earnest solemnity, Fish objected. "I remonstrate and protest," he writes,¹⁴ "against improper and unlawful employment of the military in any interference with the organization or any other purpose than to suppress violence and preserve the peace." He adds: "The President is of the same opinion." Grant had seen the light!

Taft and Fish argued the matter. The fat Ohioan asserted that the Republican House had been regularly organized on the 28th. True, some critics said that its 59 members, since the total House roster was ordinarily 124, did not make a quorum. Before the Civil War American legislatures had usually held that a majority of the whole number was requisite for a quorum. But, said Taft, during the war the Senate had frequently found itself without one-half the number of Senators from all States. It and the House of Representatives had therefore adopted the rule that a quorum should consist of a majority of the members returned and who had taken their seats. Since in South Carolina the Canvassing Board had returned 116 members, 59 would constitute a quorum. But Fish thought this bad law. He writes:

I objected to his argument and its conclusion. [I said] that the decisions of the Senate and House of Representatives to which he referred were made in a time of revolution, and like many things then done, were to be justified by the actual necessity for the preservation of the nation, and should not be appealed to as precedents; that on the formation of our government we had adopted the principle of representation and government by majorities, and that while in the British Parliament a small number, perhaps not exceeding a half dozen, constitute a quorum of the House of Lords, and some 20 or 30 a quorum of the House of Commons, although each house consists of several hundreds of members, our government was organized on the principle of the control by actual majorities, which I held to be fundamental and vital to the preservation of our institutions.

In reply to my remark as to the precedents cited by Taft during war and revolution, Cameron said, "This is war and revolution!" The President interrupted him by saying, "No, no! It is no such thing!"

Cameron proposed an order to Ruger to support Chamberlain and to exclude the Edgefield and Laurens members who were certified to by the Supreme Court.

¹⁴ *Ibid.*

The President objected, saying that the troops were not there to act under the orders of Chamberlain, but were there to preserve peace and order, and he did not think that he (the President) had any right to say who should or should not be excluded from the Chamber.

Attorney-General Taft also hesitated to assent to anything so crude as the order proposed by Cameron. He suggested a telegram to Ruger and Chamberlain saying that the Administration thought that the Republican House was duly elected and organized. "No, I object to that also," said Fish firmly. "That is the very question involved. It is for the House itself to determine who are its members. The President and Cabinet are not competent to pass on the question; and even if we were legally competent, we have no evidence on which we should be justified in acting." Grant took the same view. He declared that the Executive of South Carolina occupied the same position in Columbia that the Executive did in Washington; and that the organization of the Legislature was a question for the State to settle, not the national government.

Obviously, this was a very different President from the man who had rejected Fish's advice upon Louisiana in 1874 and had acted in Arkansas in 1875 without consulting his Cabinet. An answer to Ruger and Chamberlain was deferred until the Cabinet meeting next day. When the members gathered they found a new telegram from Ruger which opened with the opinion that it would be best to let the two parties "worry it out." This supported Grant and Fish. But Chamberlain had meanwhile appealed direct to the President for assistance, and Cameron and Taft renewed their arguments. A spirited discussion ensued:

His [Chamberlain's] telegram to the President states that the object of the Democrats is to give the electoral vote of the State to Tilden.

The President has a telegram from Wade Hampton stating that the returns of the Presidential electors are not involved in the question.

Cameron also has a telegram from Bradley Johnson to the same effect, but stated that he would not believe them and that they intended to violate their pledges, and that as soon as Hampton should be inaugurated Governor a law would be passed changing the mode of appointment of electors and giving them to Tilden.

I asked how that could be done while there was a Republican Senate. The President remarked, "That's a fact, it can't be done." Cameron replied, "They will do it nevertheless; they will buy somebody." The discussion then turned on the organization of the House.

Cameron expressed a wish and Chandler silently nodded assent that the

troops be authorized to eject the Edgefield and Laurens members. The President repelled the idea, saying that the Federal Government had no right to interfere in the organization of a State Legislature; that the country had been much excited with regard to what occurred in Louisiana, and that Republicans and Democrats both condemned such interference. That the authorities of South Carolina must settle the organization of their Legislature; that Chamberlain is the Governor of that State and must be so regarded until a successor is duly elected and inaugurated, and as the Executive of that State he has the same power there that he (the President) has in the general government; that the United States troops can only be used for the suppression of domestic violence.

Stubbornly, Cameron suggested that at least a telegram of encouragement be sent Chamberlain, and read a draft he had prepared. Still more stubbornly, Grant rejected it, but proposed a substitute which after some modification was written out: to the effect that while the situation did not call for any positive action on his part at the moment, he wished to be kept advised of later events.

Despite additional appeals from Chamberlain, despite renewed pressure from Chandler, Cameron, and Taft, the President—with Fish sturdily backing him—stood adamant against the use of Federal bayonets to impose a Republican House and Governor on South Carolina. On December 3 Wade Hampton sent Fish two excited telegrams,¹⁵ asserting that the Republicans had planned “an attack on and possible murder of Democrats in the House,” and asking that they be “restrained by orders from Washington.” At the same time Ruger wired the President that he feared trouble. No notice was taken of Hampton’s appeal, and Grant curtly informed Ruger that the military were not to interfere with either “pretended House.”¹⁶ Later that day Fish stopped at the White House. “I found Cameron and Chandler there,” he records. “Each had telegrams from South Carolina, and each was urgent for authority for the troops to eject the Edgefield and Laurens members or in some other way to intervene forcibly. The President decidedly resisted this suggestion.”

III

Grant’s annual message, sent to a Congress seething with excitement, required careful consideration, and was taken up in a special Cabinet

¹⁵ Hampton to Fish, December 3, 1876; Fish Papers.

¹⁶ Diary, December 4, 1876; Grant Letterbooks, same date.

meeting on December 4. It was preceded by a calm general canvass of the situation. The President expressed a belief, founded upon the reports sent him, that at least part of the Tilden electors would be returned in Louisiana—and even one would make Tilden President. He spoke regretfully of the alternative possibility that Hayes might be seated by a canvassing board in Louisiana “whose past character has deprived it of any claims to confidence.” Then at about two o’clock he began reading his long paper.¹⁷

At two points he discussed the Presidential contest, reviewing in very severe terms the conduct attributed to the Democrats, especially in the South. Fish at once suggested that it was impolitic to denounce in such harsh language a party comprising half of the people. And at once the two politicians in the Cabinet crossed swords with him. “I think the passages entirely right,” said Cameron. “They may be accurate,” replied Fish. “But such a state paper as the President’s annual message is supposedly of elevated character and should be free from partisanship or imputations against a large body of citizens.”

“As for me,” ejaculated Chandler, “I think those passages the best part of the message, and believe they will do good.”

“I differ from you,” repeated Fish. “I think that they will do harm instead of good. The public is already sufficiently excited without such imputations from such a source, which will be resented by all of one party, and disapproved by a large part of the other.”

Grant said nothing. But seeing him next day, and learning that the message was finished, Fish inquired whether he had retained the sections on the Southern elections.¹⁸ He replied that he had not—he was satisfied that they would be useless and possibly pernicious. He had confined himself to a recommendation that measures be taken to guard all future Presidential elections against irregularities in counting the electoral votes. On the previous Sunday evening he had talked at length with Abram S. Hewitt, the able Democratic National Chairman, and assured him that he would not use troops to seat Hayes as President, or for any other purpose save the restoration of order if broken. The President, indeed, took a sensible attitude on nearly all aspects of the crisis. Cabinet members were being pelted with letters warning them of Democratic plots and impending violence, and suggesting precautions. One day the Cabinet meeting was interrupted by a deputation from the “Stars and

¹⁷ Diary, December 4, 1876.

¹⁸ Diary, December 5, 1876.

Stripes Association," whose leader proffered the armed services of that body. Grant told them that he apprehended no disturbance; and when one man asked him who would give orders if they were needed, he laughingly said that he had not yet thought about the question.¹⁹

Before Christmas steps had been taken by Congress to set up an Electoral Commission to decide the dispute over the Presidency. Though Fish's diary throws no light on the origin of the plan, it shows that the Administration cordially approved it. Meanwhile, affairs in South Carolina had settled into a grim deadlock, with Grant still holding himself strictly aloof. But immediately after New Year's the focus of interest in the Cabinet swung abruptly to Louisiana. The Kellogg machine was engaged in a desperate fight for its gubernatorial nominee, S. B. Packard, and the whole Custom House gang; and Chandler, Taft, and Cameron made one more effort to persuade Grant to use troops in the South.

The President informed the Cabinet on January 2, 1877, that Governor Kellogg had sent him a telegram which, though hazy, seemed intended to convey the statement that the Louisiana House had passed a resolution calling for Federal troops. Fish called attention to its suspicious vagueness, and Grant decided that it furnished no occasion for further orders.²⁰ But five days later a new application for troops came from Kellogg. Though it was Sunday, at one o'clock Fish was summoned through the midwinter cold to a special Cabinet meeting. He was the first to arrive. "It's the Louisiana trouble again," Grant informed him. He added impatiently: "They are always in trouble there and always wanting the United States to send troops." And he handed Fish, to the latter's gratification, a ready-written refusal to comply with Kellogg's request. The Secretary praised it warmly. When the President read it aloud to the full Cabinet, Fish suggested a slight emendation, which was made. Nobody ventured to attack it. But Cameron manifested "some impatience," and asked when the Federal Government *could* interfere. "Not until there is actual resistance or conflict," responded Grant. And Cameron remarked to Fish *sotto voce*:²¹

"I'm afraid that won't come, for our fellows down there won't fight."

But would the President stick to this wise position? When the Cabi-

¹⁹ Diary, December 15, 1876.

²⁰ Diary, January 2, 1877. For the situation in Louisiana see Ella Lonn, *Reconstruction in Louisiana after 1868*.

²¹ Diary, January 7, 1877.

net held its next regular session on January 9, it found that a large body of telegrams had been pouring in from New Orleans. They described threatening assemblages of armed men, expressed fears of violence, and seconded the Governor's application for Federal assistance. Two rival legislatures and two rival Governors-elect, the Republican Packard and the Democratic Nichols, faced each other. But Grant was still resolved not to interfere. He decided merely to telegraph General Augur the purport of the warning messages, instruct him to caution the public against unlawful acts, and ask him to report on the development of the situation.²² Fish was delighted, but Cameron and Chandler could not repress their anger.

"Then we must wait until a shot is fired before we can act," grumbled Cameron. And Chandler blurted out impulsively to the Secretary of War, "If you telegraph General Augur, 'Consult Governor Kellogg and place your troops as he shall direct,' wouldn't that settle it?" Fish commented sardonically, "Yes, that would settle it." And Grant said, with a snap of his jaw, "We will not settle it yet that way at least." Chandler and Cameron left moodily. Next day, as Fish read the news of growing tension in New Orleans and thought over what they had said, the suspicion crossed his mind that they might secretly foment a disturbance in New Orleans. But it was so ugly a suspicion that he merely hinted at it in his diary.²³

Telegrams continued to arrive from New Orleans; the Cabinet continued to discuss the question. At one meeting Cameron displayed unexpected moderation, agreeing to the inexpediency of "any present recognition" of either set of claimants. The President had pointed out that while a Congressional Committee was examining the situation, it was wise to defer any judgment on it. On hearing this, "Chandler for once was quiet," remarks Fish.²⁴ But all the while the more radical party leaders were active behind the arras. Men who had visited the South beset the President. At length Grant made Fish his confidant. Calling the Secretary to the White House on January 17, he remarked that while he seldom lost sleep over public questions, lately he had been much disturbed by Louisiana.²⁵ "Some of the rabid Republicans," as he called them, had been importuning him to take extreme measures. John Sherman and Eugene Hale, returning from New Orleans in an ex-

²² Diary, January 9, 1877.

²³ But it continued to haunt him; Diary, January 11, 1877.

²⁴ Diary, January 12, 1877.

²⁵ Diary, January 17, 1877.

cited mood, had badgered him mercilessly.

"Perhaps," said Fish shrewdly, "Sherman and Hale committed themselves by hasty promises in Louisiana, and are trying to draw you after them." Time showed that Sherman had indeed promised almost everything in sight in an effort to make sure of Republican electors there. The President then launched into an interesting exposition of his views of the crisis:

He spoke with a good deal of warmth of the extreme incapacity of the men attempting to rule Louisiana, that they had no interests there, but had simply gone there to hold office and as soon as they should lose it, intended to come away.

He says he is opposed to the Fifteenth Amendment and thinks it was a mistake, that it had done the Negro no good, and had been a hindrance to the South, and by no means a political advantage to the North.

He read a letter of Longstreet, addressed to himself, which he said seemed to be proposing a political bargain, to which, of course, he could not be a party. The letter in substance stated that the Nichols Government would be content to recognize the "Hayes electors" if their government could be established, and invited a reply from the President; which he said he should not make.

After speaking again of his deep anxiety, the terrific pressure upon him, and his feeling that perhaps the Louisiana question should be laid before Congress, he mentioned Hayes' weak position there. Fish writes that he commented earnestly on the embarrassment of the Republicans from the admitted fact that the returning board had changed the majority of the Tilden electors, ranging from 6,000 to 9,000 votes, into a majority of 2,000 to 4,000 for the Hayes electors; while the board had failed to fill the vacancy in its membership. It is evident that Grant believed that Tilden had fairly carried Louisiana.

The President also commented upon his party's original plan for counting the electors. He felt sure that the Republican claim that the president of the Senate held the counting-power could not be sustained. "He named Conkling, Robertson, Conover, West, and others, including as he thought Edmunds and Frelinghuysen, who disavowed the right of the president of the Senate; and he felt sure that there was a sufficient number of Republican Senators of that opinion, with the Democrats, to make a majority in opposition. . . ." ²⁶ Grant then turned to the future:

²⁶ Diary, January 17, 1877.

Throughout the conversation he expressed the greatest anxiety for a peaceful solution of the question, adding that while he most earnestly desired the declaration of Governor Hayes as President, he thought that should he come into power with his Administration embarrassed with the question of the votes of two or three States, he would be much crippled in power. On the other hand, if Tilden were elected, he would be unable to satisfy the expectations of the South, and with the commitments of his party against the use of the military for any purpose of the government, he would be unable to collect the internal revenue in the South; that already, since the doubts of the election, the whiskey distillers are running their stills, paying no tax, and that the running down of receipts has been very great. . . .

To the end the President's course remained admirable. He was redeeming the sorry record he had made in Louisiana two years earlier; he was demonstrating that he could not only learn a lesson, but show courage in reversing himself. The more vehement the demands for action in the South grew, the more sturdily he repelled them. He had become convinced that the day had ended for the use of Federal bayonets in deciding elections in the South, and against a whole cohort of extremists—against Morton, John Sherman, Conkling, Zach Chandler, Cameron—he was standing by his honest views. On the 27th he and Fish had another conversation.²⁷

“He spoke with a great deal of feeling of the Louisiana troubles,” Fish writes, “and of the importunity with which they were pressing him to recognize the Packard Government, inasmuch as it appeared that a majority of the members of the Legislature received the certificate of the Returning Board; that this Board was organized by a law of the State, but was in his judgment an outrageous contrivance, and had in its whole history been tainted with suspicion, if not with actual fraud; that he was convinced that it would be best for the people of Louisiana, both white and black, that the Nichols Government should be in power; that as a political question, he thought any action at this time looking to the recognition of either government would be injurious to the Republican Party, and to the ultimate success of Governor Hayes; that this whole question had given him a great deal of anxiety and trouble; that he had been importuned in season and out of season, to an extent which was indelicate if not indecent; that a recommendation from the city [Washington] had been made that Packard and his friends should force a collision so as to force the necessity of a recognition.”

²⁷ Diary, January 27, 1877,

"I have abstained from bringing the question up for more Cabinet discussion," Grant concluded, "for I believed there would be about six members against me and one for me." Fish remarked that he thought Robeson would not be against his policy, nor perhaps Morrill. "Well," said Grant, "at best it would be one with me, one or two half-and-half, and four or five against me. But unless circumstances compel me I will not take any action at present, or until the full report of the Investigating Committee are before me and the Presidential issue decided." This was the old Grant, the Grant of Donelson, of Appomattox, and of the Inflation Bill veto—the Grant of whom Rockwood Hoar had just written to Fish: "He comes up to the mark so grandly on great occasions, that I wish he were more careful of appearances in smaller matters."

IV

And when late in January the fate of the Electoral Commission Bill hung in the balance, Grant threw his influence aggressively in its favor. He avoided discussing it with the Cabinet, where he feared fresh dissension. A majority of Republican Senators and Representatives were decidedly against it, holding that it would give Tilden the Presidency. Grant labored to convert them. He told Fish on the 20th that, believing such a tribunal necessary to prevent disorder and bloodshed, he had been actively buttonholing Congressmen and other leaders.²⁸ He had argued at length with Don Cameron, and believed that Cameron had abandoned his hostility to the bill. When the measure passed the House on the 26th the President commented with delight on the large majority it had received.²⁹ It then went to a close but victorious battle in the Senate. Edmunds and Frelinghuysen, two of its supporters, were anxious that Grant should accompany his approval of the bill with a special message to Congress, and they asked Fish to broach the proposal to him.³⁰ The Secretary agreed that a special message would allay uneasiness, augment the authority of the Electoral Commission, and incline the country to a readier acceptance of its verdict. He therefore drafted one, utilizing suggestions from the two Senators. On Sunday, January 28, on Grant's return from Baltimore, he spoke of the matter. "Knowing of your absence yesterday," he said, "I took the liberty of preparing a draft. It may be of assistance to you, but if you do not like it throw it in the fire—

²⁸ Diary, January 20, 1877.

²⁹ Diary, January 27, 1876.

³⁰ *Ibid.*

place." The President glanced through it. "I will adopt it as written," he said with his characteristic quiet smile.³¹ "It is a great deal better than I would have done it—and somewhat longer." The message went to Congress next day.

The seating of Hayes as President, as everyone knows, was accompanied by a compact or "Bargain," by which a group of Democratic Representatives agreed not to filibuster against the completion of the count in return for a promise from friends of Hayes that he would permit all the Southern States to govern themselves. Though the "Bargain" was not consummated until just before March 4, negotiations were begun several weeks earlier. A humorous result was the sudden eagerness of Republican leaders, including some who had recently besought Grant for action, that there be no Federal interference with Louisiana and South Carolina. For example, Fish writes of the activities of a prominent Iowa Republican:

Sunday, February 18, 1876.—Mr. Kasson called this afternoon to see me, stating that there was a rumor that the Commission having decided in favor of Louisiana, the President was about to recognize the Packard Government, and that he thought the effect would be very bad, as the behavior of the Southern Democrats had been so good in attempting to defeat all filibustering attempts on the part of the Northern Democrats, and that they proposed to give the Administration a fair support, and he hoped no precipitate action would be taken.

I assured him that nothing but absolute necessity would induce him [the President] to recognize either government during his term of office. I promised to see the President tomorrow morning on the subject.

Next day Fish did see the President, finding him still embarrassed by radical importunities and not completely certain as to his course.³² The Secretary pointed out that if the decision between the Packard and Nichols governments in New Orleans were not left to Hayes, Grant might impose on the new President a policy adverse to his views and jeopard the success of his Administration. Grant already inclined to this opinion, and a few days later told the Cabinet that he had definitely decided to leave the issue to Hayes.³³ Four days before he left office he sent Fish a succinct letter which he had written the Republican claimant, Packard. "In

³¹ Diary, January 28, 1876; the message is in Richardson, VII, 422-424. An exceptionally well-written document, it praised the orderly adjudication guaranteed by the new law, and called for "peace and quiet and harmony between all parties and all sections."

³² Diary, February 19, 1877.

³³ Diary, February 27, 1877.

answer to your dispatch of this date," it ran, "I feel it my duty to state frankly that I do not believe public opinion will support longer the maintenance of State Government in Louisiana by the use of the military, and that I must concur in this manifest feeling." While he held office the troops "will not be used to establish or pull down either claimant for the control of the State. It is not my purpose to recognize either government."

When Fish gave Grant his enthusiastic approval of this letter the Electoral Commission had practically completed its work. On Friday, March 2, Fish went—early, as usual—to a Cabinet meeting. As he entered the executive office Grant rose hastily to introduce a bearded gentleman of fine forehead and half-scholarly, half-soldierly demeanor, the President-elect. Next day Fish and Robeson called at the K Street residence of John Sherman, a massive gray stone pile, to see Hayes. Sentries, a sign of the disturbed time, paced before the door. The Cabinet had decided, on Fish's suggestion, that in view of the delay in deciding the election and the fact that March 4 fell on Sunday, they would resign not to Grant but to the new President. This would prevent any interregnum. Hayes approved the plan, and said that he hoped the whole Cabinet would remain for some days.³⁴ "Certainly," said the untactful Robeson, "but the sooner you can come to a conclusion as to our successors, the better." That evening, just before dinner at the White House, Hayes informally took the oath of office before the Chief Justice, to be repeated with ceremony the following Monday.

V

Hayes' inauguration was quiet and orderly. After he delivered his address from the east portico of the Capitol, he and Grant drove back together to the White House. At dinner Mrs. Grant presided for the last time as hostess. Before the evening grew late, the former President and his wife left for Secretary Fish's house, where they quietly spent the next few days.

For Fish was still Secretary. Not until the afternoon of March 12 did he surrender his office to William M. Evarts. In the interim he performed an important service to the new President. He was able to warn him against the machinations of Taft, Cameron, and Zach Chandler with

³⁴ Diary, March 2, 3, 1877.

regard to South Carolina and Louisiana, and to advise him earnestly to withdraw the Federal troops from those States.

It was a curious Cabinet meeting that took place March 6, with Hayes trying to gain from ex-President Grant's advisers some conception of his duties. All were present. The only business of importance transacted related to the South. Hayes incautiously spoke at the outset of the two Southern States which had rival governments, and Zach Chandler and Taft leaped at the opening. Taft instantly began reading a memorandum he had prepared, while Chandler sent for a volume of Grant's telegrams. Evidently there had been an understanding between the two men. Hayes passed to another topic, but a little later Taft again brought up Louisiana. "Has any consideration been given the question of the recognition of a *de facto* as distinguished from a *de jure* State government?" demanded Hayes. Cameron, Robeson, Taft, and Chandler at once opened like a pack in full cry.³⁵ They were all in favor of recognizing the Packard Government:

The three former (Fish writes) laid stress on the President's telegram of the 14th Jany. and Robeson spoke of the President's "vacillating" of late. The other two admitted what they called a "change of position" of the President.

I felt indignant that the three most subservient of the President's followers and flatterers while in power should so soon turn against him for a present purpose, and somewhat indignantly remarked that the circumstances under which the President had largely regarded the question in Louisiana were much changed from the representations made to him at the time of the telegram of Jany. 14th.

Chandler, with some indiscretion, remarked to the President that the Packard Government was chosen on the same vote on which he was declared elected President. Gov. Hayes rebuked him, and several of the members of the Cabinet simultaneously interposed, manifesting disapproval of this great indecency.

It was decided that copies of recent telegrams and orders should be laid before Hayes, with a brief by Attorney-General Taft. Fearful that political bias would color the brief, Fish called attention to the fact that none of the warnings of imminent violence in Louisiana had been realized, and that the alleged state of insurrection which the Packard Government had used as a pretext for asking Federal aid simply did not exist. "I did this," he writes, "in consequence of the stress which Robeson

³⁵ Diary, March 6, 1877.

and others were laying on what they called the 'Constitutional call' of the Packard Legislature." The idea that there was a Constitutional obligation to send troops simply because one claimant made a demand for them was absurd. And as he was leaving, Fish loosed a shaft at the Attorney-General.³⁶ Taft repeated that he was in favor of recognizing the Packard Government, and that Grant had changed front. "I replied somewhat angrily that he had not changed so long as there was any body of citizens represented by the Packard Government." Taft knew well that intelligent Louisianians were overwhelmingly against Packard.

Fish, indeed, used every opportunity to impress his moderate views upon Hayes. On March 7, by request, he called at the White House. The President, troubled by the discussion in the Cabinet, turned again to the question of the Southern States. "We had a short conversation on the condition of these States, and the attitude of General Grant toward them," writes Fish.³⁷ Hayes indicated that he had no intention of sustaining Chamberlain as Governor of South Carolina, for he asked what Fish would think of appointing him Marshal of the District of Columbia. "Very good, if the post is large enough," said Fish. "I understand it is worth from \$6,000 to \$9,000 a year," rejoined Hayes.

Valuing Fish's views, Hayes asked him to serve upon the investigative commission which he was sending to Louisiana. But the Secretary disapproved of any such commission. Since the essential facts of the situation were known in Washington, he thought it both unnecessary and unsettling. "It looks to me like a makeshift to gain time and occupy the public attention, or an expedient to find someone or something to share the responsibility of whatever the Administration may eventually decide, and on which to throw the odium of whatever is to be done that the public or the Republican Party may disapprove." When Evarts conveyed the President's invitation (not mentioning, Fish sardonically noted, that William A. Wheeler and Thurlow Weed had declined), he met a decided refusal. "I cannot see what the commission is to do," said Fish. Asked to take a day to consider the matter, on the morrow he said "No" more decidedly than ever, and at the same time gave Evarts some valuable information:³⁸

Referring to the condition of things in South Carolina and Louisiana, I told him that had the Administration of General Grant continued . . . he

³⁶ *Ibid.*

³⁷ Diary, March 7, 1877.

³⁸ Diary, March 27, 1877.

would have removed the troops from the proximity of the Legislatures in both States; that he had become impressed with the necessity and propriety of no longer appearing to be sustaining a contested State Government by the military force of the United States, but that while troops had been placed in both capitals in pursuance of a regular demand . . . the facts subsequently developed had not justified the demand, or if they were such at the time as to justify it, had subsequently ceased to be cause for long-continued military interference; and that General Grant would have withdrawn them but for the effect such act might have had pending the electoral count, and because of a reluctance on his part, in the last days of his Administration, without knowing the views or wishes of his successor, to adopt a course which might affect . . . the policy of his successor's administration.

With warm approval, during the next few weeks, Fish watched the final steps taken by Hayes to carry out this wise policy of withdrawal in Louisiana and South Carolina. Before the end of April the Federal troops had been evacuated from their threatening positions in Columbia and New Orleans, the Administrations of Wade Hampton and Nichols had been installed in the two capitols, and the South was at last free.³⁹

Meanwhile Fish, in his last days at the State Department, had collected, assorted, and filed all the diplomatic papers bearing upon his various foreign policies, leaving no confusion and no loose ends for his successor. To the story contained in the latest of these papers—an interesting and significant story, thus far neglected in following other threads in the history of the Grant Administration—we must now turn.

³⁹ Rhodes, *United States*, VII, 289.

Down the ringing grooves of change, while America was occupied with her industrial depression, her scandals, and her Southern problems, spun the world. Gladstone had given way in 1874 to Disraeli. With Lord Derby in the Foreign Office, the Disraeli Ministry was pursuing a vigorous policy abroad. The purchase in 1875 of the Khedive's shares in the Suez Canal gave Britain the keys of the East, and soon virtually brought Egypt into the Empire. The following year Victoria was crowned Empress of India. On the continent the dominant figure was Bismarck, a leader whom Fish greatly admired but never quite trusted. Germany, fast transforming herself into a great industrial nation, loomed up like a giant beside the French republic, as yet trembling with weakness, and sustained against the monarchist movement only by the genius of Gambetta. But there was still another giant on the continent—Russia, where Gortchakov was the astute master of foreign affairs. He, Bismarck, and the British statesmen were increasingly interested in the intolerable situation in the Turkish-ruled Balkans, which by 1876 made a Russo-Turkish conflict seemingly inevitable. Spain was still racked by civil war, but in the last days of 1874 the Bourbon dynasty was proclaimed again, Alfonso XII took the throne, and the hope for a restoration of peace grew brighter.

More than one observer traced a connection between the vigor of Disraeli's policy and the happy settlement of the *Alabama* Claims.¹ The Geneva decision had set England free to resume her leading rôle in European affairs. No longer haunted by the fear that in some sudden war a swarm of *Alabamas* would crush her ocean commerce, no longer troubled by American enmity, she could abandon Gladstone's narrow economic theories and the Cobdenite doctrine of non-intervention. It was impossible for so wealthy a nation, her power spread over so much of the earth, to be a mere passive spectator of history. Disraeli seized his opportunities brilliantly. With an imaginative stroke worthy of the author of *Lothair*, he mustered the millions of British pounds as Prussia had mustered her millions of armed men, and used them to plant British dominion squarely upon the Suez. It secured India, and India,

¹ See Paris correspondence, *N. Y. Nation*, January 6, 1876.

with its Sepoys and Ghurkas, in turn secured Suez. The French were at first dismayed that the canal which their engineers and diplomats had built should fall into English hands, but they had no alternative except to consent. The crowning of the Empress of India was another brilliant stroke, a notice to the world that England would hold the Empire intact. After the limp years under Gladstone, Britain was again a great world figure. The fact did not displease Hamilton Fish. He had written in 1869 that the *Alabama* Claims made England less potent in a troubled world than the United States should desire; now he felt that she had her due influence, her right place in the balance of power.

While the world was changing, the tools with which Fish worked had changed also—and for the better. The second Grant Administration witnessed a distinct improvement in the diplomatic service, for which the Secretary was chiefly responsible. Two excellent men were held in office: the rugged Elihu B. Washburne in Paris, the learned George P. Marsh in Rome. When George Bancroft was replaced in Berlin by his nephew Bancroft Davis, the service lost nothing. Nor did it lose anything when that eccentric poet and old-school gentleman, George H. Boker, a rare and picturesque soul, succeeded Marshall Jewell as Minister to Russia. It was a clear improvement to have Caleb Cushing in Madrid in place of Sickles; to have Phillips Merrill in Brussels in place of J. Russell Jones; and to have Edwards Pierrepont in London in place of General Schenck. Fish would have liked R. H. Dana, Jr., a great deal better than Pierrepont, for he realized that the latter was mutable as water under pressure, and failed to keep his own counsel. He specially asked Grant to warn him to stick to his instructions and to rein his tongue in society. But at any rate Pierrepont would obey orders better than Motley had done, and keep himself above scandal as Schenck has failed to do. Another improvement lay in the selection of Edward F. Beale for Vienna in place of the quarrelsome and ill-controlled John Jay.²

To the end Fish did what he could to better the diplomatic service. The diary for November 26, 1875, for example, records that, driving to the funeral of Vice-President Wilson at the Capitol with Grant, he mentioned the recent death of Benjamin P. Avery, Minister to China. He suggested the appointment of George F. Seward, saying that he

² Jay's quarrel with Thomas Van Buren had continued, with acrimonious newspaper publications, while his controversy with his Vienna landlord produced scandal; Fish to Bancroft Davis, January 6, January 25, 1875, Letterbooks.

understood our interests in and relations with China better than any other man, and was a person of ability. A revision of Chino-American treaties must soon take place, and Fish would gladly entrust him with it. The President sharply replied: "I do not think I will appoint Secretary Seward's nephew. He is not much of a Republican, and I don't like any of the family." "Well," replied Fish, "I suggested the name in the public interest. Although I have no special reason for being fond of Governor Seward's family, I still think this the best appointment that could be made." They dropped the subject. But Grant thought the recommendation over, and early in the new year Seward's nomination was duly sent to the Senate. He made an admirable representative.

Fish remained exceptionally fortunate in the personnel of his Department. When Bancroft Davis became Agent in the Geneva Arbitration, his place as Assistant Secretary was taken by Charles Hale of Boston, who was green, inefficient, and irritatingly addicted to what Fish called "nasty cigarettes." Davis was reappointed to the State Department early in 1874, but that summer again resigned to go to Berlin. Fish chose as his successor John L. Cadwalader, a man of unusual gifts. At this time thirty-eight, Cadwalader was a graduate of Princeton and the Harvard Law School, a proficient lawyer, and full of brilliancy and energy. Fish's notes to him soon became almost as intimate as those he had written to Davis. Later in life he made a great name at the New York Bar. In William Hunter the Secretary of course had one of the really memorable civil servants of American history. Hunter had entered the State Department as a clerk in 1829; he had been made Second Assistant Secretary by special act of Congress in 1866. He had enjoyed the confidence of Van Buren, Livingston, Forsythe, McLane, Webster, Everett, Cass, Marcy, and their successors; he was laborious, faithful, and accomplished—the master of several languages; and his prodigious memory made him a veritable index to the Department. Fish records that once the Dutch Minister called to claim a right under an old treaty of 1782. This treaty stood on the books without any indication of obsolescence. But when Fish mentioned the interview to Hunter, the latter immediately replied, "Why, that Treaty was denounced by Mr. Adams while Secretary of State." Fish called for the correspondence, and a few minutes later Hunter brought in all the records, saying, "I was mistaken; it was not Mr. Adams but Mr. Monroe who denounced it." So it proved—the denunciation had occurred fifteen years before Hunter

entered the Department, but it was familiar to him.

No Department could have run more smoothly than Fish's did by 1875, when it removed from the shabby orphan-asylum to Mullett's "grand Renaissance building" near the White House. He had increased his office force from about twenty-five to forty-five clerks. He had set up the new Bureau of Indexes and Archives, and perfected his central index for all departmental records. He had seen to the classifying and binding of huge piles of miscellaneous papers. The work of copying dispatches, which Seward had allowed to fall into disgraceful arrears, had been brought up to the minute and was kept there. Strict discipline ruled the office; one subordinate later wrote that he never opened a Legation mail without trepidation, for if a slip or oversight occurred the heavy hand of the Secretary was sure to fall. But it was a discipline controlled by fairness and moderated by kindness, and no Secretary ever had more confidence and loyalty from his assistants than Fish.

The *Virginia* affair was the last formidable storm on the sea of foreign relations that Fish had to confront. Thereafter, no important group of Americans were to become aroused over any international problem until, more than a decade later, Grover Cleveland threatened condign action against Canada in the fisheries dispute. Yet it was not a halcyon ocean over which Fish voyaged during his last three years in Washington. It was rather a choppy sea, with vexatious cross-currents, adverse gusts, and even two or three squalls. Not far to leeward always loomed up the grim rock of Cuban difficulties, on which an unskilful pilot might easily come to wreck. Nor was the log of his journey uninteresting. On the contrary, it contained, in the famous episode of Instruction No. 266, addressed to Cushing on Spanish-American relations, one of the most striking and puzzling of all Fish's diplomatic transactions. That story, and some others, have never yet been properly told.

I

When the world hailed the Geneva Award, two clauses of the Treaty of Washington remained to be executed. They proved singularly difficult to put into effect, and gave Fish and Sir Edward Thornton labor and trouble out of all proportion to their actual importance.

The first was the agreement that the two countries should not only observe the "Three Rules" of neutrality (Article VI) in their mutual

relations, but bring them to the notice of other maritime Powers and invite other nations to accept them. At first blush this seemed simple. But unexpected difficulties soon arose. The British Foreign Office and the State Department disagreed upon the terms of presentation—that is, the interpretation of the Three Rules. It became evident that while the American Government was eager to urge them upon the world, the British Government was reluctant. The reason for this difference was simple: the Three Rules were essentially a statement of doctrines long held by the American Government, and no less a reversal of the position historically occupied until 1871 by the British Government. It is not strange that, as Thornton frankly told Fish in 1875, they were highly unpopular in England.³

Just what was new in the rules? The first required due diligence on the part of a neutral to prevent the equipping, fitting out, or arming within its jurisdiction, or the departure therefrom, of any vessel intended to cruise or carry on war with another Power. The second forbade the use of neutral ports or waters as a base of naval operations by any belligerent, and the augmentation of military supplies or arms therein. The third merely held the neutral government responsible for the exercise of due diligence in enforcing the first two. Now both nations had long imposed upon their citizens, under municipal law, the essential features of the Three Rules. The United States by its neutrality legislation of 1818, and Great Britain by that of 1819, had forbidden and punished the acts defined in the rules. But these enactments were addressed to individuals, and their language applied only to persons. They created personal obligations but did not assume to create national obligations; they fixed personal penalties, but did not establish national penalties or indemnities as for a breach of international law. What then? Did the Three Rules, now to be submitted to the world, provide any new national obligation which had not existed before? So far as the United States went, no; so far as Great Britain went, yes. In this fact lay the real basis of their inability to agree upon an interpretation.

Long before the Treaty of Washington the American courts had adopted, in a series of judgments, the principles of the Three Rules. They had treated these principles as parts of international law, which the government must observe just as its citizens must observe the Act

³ Diary, October 28, 1875.

of 1818. The most celebrated case was that of the *Santissima Trinidad*, which is described in detail in the seventh volume of Wheaton.⁴ This grew out of an augmentation of force that a South American warship, cruising against Spanish commerce, had received in Baltimore. Judge Story declared that "such illegal augmentation is a violation of the law of nations as well as of our municipal law," and awarded redress to the owners of property captured by the vessel. Several other cases, decided in similar fashion, made the national position of the United States precisely that asserted in the Three Rules. But the British courts, in the celebrated case of the *Alexandra* in 1863, had taken a very different position.⁵ Moreover, in the discussion which preceded and followed this case Britain assumed two positions which it held until they were abandoned in the Treaty of Washington. The first was that England was not responsible to any foreign nation for the character of her purely municipal law, its gaps, or its defective administration. The second was that the statutes upon neutrality were not declaratory of international law, but supplementary thereto; and that Britain had never been under any international obligation to prevent the fitting out, equipping, or arming of the Confederate cruisers. The Three Rules cost the United States nothing, but England a vast deal.

It is not strange that while Fish urged action, the British Government held back. Into the details of the prolonged correspondence we need not go. Controversy raged chiefly over the Second Rule. The British Government interpreted it as not prohibiting the sale or exportation of military supplies in the ordinary course of commerce. The United States, however, interpreted it more narrowly—as not preventing the *open* sale (without mention of exportation) of military supplies in ordinary trade. The words "open" and "or exportation" provoked a wrangle almost worthy of Byzantine logothetes. Finally Granville consented to give up the latter term. Fish still insisted upon "open"; but Granville argued that it would make the two governments responsible to belligerent Powers for the clandestine sale of arms by their citizens.⁶

At the end of 1871 the correspondence lapsed for fifteen months. When it was resumed in the spring of 1873 the British Government declared that the question had become more complicated in the interim, and that recent Parliamentary debates had shown how impossible it

⁴ Wheaton, *International Law* (Dana Edition), VII, 283.

⁵ See *Case of the United States*, Geneva Arbitration, 161, 258 ff.

⁶ Fish to Schenck, November 9, 1871; Granville to Thornton, December 23, 1871.



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would be for England to lay the rules before other Powers without full explanatory comment. If they did, these Powers would at once ask: "Are you and the United States agreed upon the meaning of the rules to which you ask our assent?" Granville also thought it indispensable for Great Britain to guard herself against perilous inferences which might be drawn from some parts of the Geneva Award. He felt sure, he added, that the other Powers would reject the Three Rules anyway. Fish, in reply, expressed disappointment that Granville would not submit the rules even at the risk of their rejection, and denied that England and the United States differed in any essential respect as to their meaning. And in fact they did not. The word-chopping about "open," the other petty disputes, could have been cleared away in no time had both nations earnestly wished the rules submitted. But one did not—and delay favored its position. The *Virginian* crisis came on, the Ministry in England changed, and the subject substantially lapsed again from the fall of 1873 until the spring of 1875!⁷

It was resumed with an amusing exchange over responsibility, each side blaming the other for not answering its notes. But there was no question where the reluctance lay. Some plain talk was recorded in Fish's diary on October 28, 1875, when Thornton called on the Secretary. Fish brusquely asked if the British Government were ready to act on the rules.

"I hope," Thornton hesitatingly replied, "that the United States will not press them. The truth is that Mr. Disraeli and Lord Derby are afraid of the question. You must be aware that the Treaty has been very unpopular with the English public, and the Government shrink from bringing it into further notice."

"But *you* do not hesitate to press us on the Fisheries Commission," retorted Fish; "and though we do not think you have acted up to your agreement even there, we are proceeding in good faith on our part. We expect the same good faith on yours with regard to the Three Rules."

"Well, I beg that you will give us time. No harm can come by postponement."

Fish showed indignation. "We have waited now upwards of four years," he said. "If your Government wishes to abrogate the Three Rules, we expect you to say so honestly. If not, we expect you to urge

⁷ See the excellent summary of negotiations in PRO, FO 115, 602, Derby to Thornton, July 10, 1876.

the rules upon other Powers. If Great Britain should become involved in war with Russia, she might expect us to observe them; but unless she carries out her part of the stipulation, the United States *may* be justified in considering the rules as no longer binding."

Fish might justly feel indignant. Great Britain, after making a solemn treaty engagement to submit the Three Rules, had haggled over the terms for four years and was now asking for further delay! He repeated his threat several times. In the spring of 1876 he told Thornton that if England desired to withhold the rules, "I should understand it as absolving both governments from their future compliance." He also repeatedly threatened that the United States would not assist in the creation of a Fisheries Commission until Great Britain acted. To this Lord Derby of course replied that the two subjects had no connection whatever. Finally the debate culminated in a sharp exchange of notes in the summer of 1876. In a communication of September 18,⁸ Fish informed the British Government that Article VI of the Treaty stood as a unit, and "a failure to comply with one part thereof may, and probably will, be held to carry with it the avoidance and nullity of the other." But this could not have frightened Lord Derby. After collecting \$15,500,000 from Great Britain under the principles of the Three Rules, the United States could hardly repudiate them in their application to British rights! The impasse continued, and the United States was balked in its hope of inducing the entire world to agree on strict rules of maritime neutrality. But as Granville had said, there was precious little chance of an agreement by the Powers anyway.

The other clause of the Treaty of Washington which proved difficult to execute was that providing for a Fisheries Commission: a body of three, one to be named by the President, one by the Queen, and one by the two jointly, to fix the compensation due to Canada for the greater value of the concessions which the British had made in the fisheries compromise. The erection of this Commission met various delays. The chief resulted from an attempt in 1874 to substitute a new Canadian-American reciprocity agreement for the plan of compensating the Dominion. Fish was favorable, as always, to the general idea of reciprocity. Canadian negotiators drew up a draft scheme. On June 18, 1874, Fish submitted it to the Senate for an expression of its views. Would the Senate accept a treaty in this form? If not, in some modified form?

⁸ Sen. Exec. Doc. 26, 45th Cong., 3rd Sess., 76 ff.

With protectionists in the saddle, no reciprocity agreement whatever could be passed, and the Senate on February 3, 1875, resolved that it was not deemed expedient to recommend the negotiation of the treaty. Efforts to agree upon a Commission were then resumed. The difficulty lay in the choice of an impartial third member. Another long wrangle began. It may be briefly summarized in the following record of an extraordinary four-year journey around Robin Hood's barn: ⁹

July 1, 1873.—Legislation having been passed by Congress and Parliament, the fisheries clauses of the Treaty of Washington go into full effect. American fishermen had already been given privileges in Canadian waters in the fishing seasons of both 1871 and 1872; the American Commissioners having pressed for this during the negotiation of the Treaty of Washington. It was now important to set up the Commission.

March-July, 1873.—Fish and Thornton discuss a third member; Thornton informally asks if Fish will accept M. Delfosse, Belgian Minister to the United States; Fish declines. His diary shows that his initial objection to Delfosse was that he had been discourteous to the American Government. Though accredited for many months, he had failed to present his credentials, and had not appeared in uniform, like his colleagues, at Grant's inauguration. Delfosse soon made amends. But Fish was also aware that Great Britain guaranteed the neutrality of Belgium.

July 17, 1873.—Fish writes proposing the choice of any member of the diplomatic corps in Washington who could speak English save M. Corti (Italy), M. Delfosse, and the Portuguese Minister. He explains that the two last are omitted because of the peculiar connection of their governments with England. Canadian sentiment meanwhile objects to any member of the diplomatic corps in Washington as likely to show bias.

August 19, 1873.—Under instructions, Thornton formally proposes Delfosse.

August 21, 1873.—Fish rejects Delfosse. Discussion renewed. Thornton explains the Canadian objections to any diplomat drafted from Washington. Fish invites some new proposal. Thornton under instructions proposes that the British and American Ministers at The Hague try to agree on a Commissioner. Fish declines this as a variation from

⁹ Drawn from Fish's diary and dispatches, and Bancroft Davis's Memorandum to George F. Edmunds, March 30, 1878; Davis Papers.

the Treaty.

April 21, 1875.—After failure of the reciprocity efforts, Thornton under instructions renews a proposal that the Austrian Ambassador in London be asked to choose the third Commissioner.

May 8, 1876.—Following a long correspondence, Fish assents to negotiations upon an identic note to be addressed to the Austrian Ambassador. But he continues to press Great Britain for a direct understanding upon a third member. In this he is always foiled. England continues to insist that Count Beust, Austrian Ambassador, make the choice. Finally—

February, 1877.—Just before leaving office, Fish consents to Delfosse under the conviction that it is better to take a man he knows, in spite of the political connection between England and Belgium, than to trust to an unknown appointment made in London by a diplomat subjected to British influence. Fish had meanwhile been guided in his final appointment of the American Commissioner by the Senators from Massachusetts and Maine. All four, Boutwell, Dawes, Morrill, and Hamlin, concurred in recommending a fisheries expert named Kellogg, who was chosen.

Stubbornly tenacious of her own rights—Britain was always that. A host of Englishmen felt that they had yielded too much in the *Alabama* quarrel; they were averse to yielding more, and they had their way with both the Three Rules and the Fisheries Commission. The rules were forgotten. When the Fisheries Commission made its "Halifax Award" in 1877, Canada and Newfoundland received \$5,500,000, considered an excessive sum in America—though actually it was a fair judgment on a case which the Canadian negotiator, Sir A. T. Galt, presented with exceptional ability.

Indeed, we may safely say that on one important subject only in these years did England yield to the United States. This was extradition, which occupied an almost incredible amount of Fish's and Derby's time, and was often discussed at length by the Cabinet. The Secretary's diary is full of it. Great Britain and the United States had signed in 1842 their first extradition treaty; in 1870 Parliament passed an Extradition Act which declared that no prisoner should be put on trial for any but the extradition crime; and in 1875 the British Government protested against the trial for a second offense of a criminal surrendered to the United States. Fish maintained that the principle of the Extradi-

tion Act did not apply to the Treaty of 1842, that this treaty could not be newly construed at the will of one of the parties, and that the British position, if persisted in, would make it impossible for the United States to ask or grant extradition. While continuing the discussion, England surrendered several fugitive criminals without insisting on her claim. The most famous was a large-scale smuggler and swindler named C. L. Lawrence, for whom Edwards Pierrepont, curiously enough, was counsel just before he became Attorney-General.¹⁰ On this subject Fish maintained American rights and scored a victory. Soon after he left office England appointed a royal commission on the extradition laws.

II

Caleb Cushing had reached Madrid at the end of May, 1874, traveling by way of Lisbon, for northern Spain was held by the Carlist insurgents. He found that Don Antonio Cánovas was acting as Premier under the new sovereign, Alfonso XII, who had just assumed the throne at the age of seventeen. He found the country in hardly abated turmoil and confusion, though the army gave the Bourbon régime its wholehearted support. The government was still on the verge of bankruptcy; Don Carlos was supported by the ultramontane Catholics throughout Europe, and glittering balls given by titled ladies in Paris "for the benefit of the wounded" supplied him with funds; the republicans were grumbling and restive. The war in eastern Cuba dragged bloodily on. But it was generally agreed that when dictators like Prim and Serrano had not dared to give up the island, Alfonso's still-precarious government could not do so.¹¹ As a matter of fact, Cánovas throughout a long career was to prove a reactionary on colonial policy; still unconverted, he died under an assassin's hand just as (in 1897) Spain was about to eat the bitterest fruits of his acts.

Cushing was a curious compound of strength and weakness. Intellectually as able as any American in public life, a profound scholar, a gentleman, he was still in his prime. Fish wrote that he seemed as young and energetic as in 1860. Men who talked with him could hardly believe that he had graduated from Harvard in 1817 and been elected

¹⁰ Diary, 1875-76, *passim*; a large number of entries.

¹¹ See despatches of H. S. Sanford, Brussels, to Fish, May 14, June 16, 1876, after talks with the Spanish Minister to Belgium: State Dept. MSS. The head of the conspiracy which had effected the restoration of the Bourbons was Count Valmaseda, the former irreconcilable Captain-General in Cuba.

to the Massachusetts Legislature in 1825—all but a half-century earlier. Loving Spain, enjoying the friendship of many Spaniards, he was naturally too optimistic as to Spanish policy. As time showed, the Madrid government was ready to do anything in reason to settle American claims, some of them very dubious; but it was not willing to go far in concessions to the Cuban insurgents. Reinforcements, armed action, a thorough conquest—these were still its real objects. The indulgent Cushing misjudged the situation. Moreover, Cushing dearly loved a long protracted correspondence, an intricate negotiation. It gave him the opportunity he craved to display his vast ingenuity, industry, and learning, and he seized upon unsatisfactory Spanish proposals and offers as if they were a solid foundation upon which to build.

During the summer and fall of 1875—the point at which the story begins to be worth telling—he bombarded Fish with private letters as well as official reports. Talking with both Cuban and Spanish representatives in Madrid, he had reached three grand conclusions.¹² One was that military action could not end the Cuban revolt. The royal armies could not subdue the Creoles in their forest fastnesses, nor could the rebels defeat the Spanish forces based upon Havana. Another conclusion was that emancipation could not be effected by an isolated act, but must be part of a complete scheme for the pacification of the island. The third conclusion was that this scheme of pacification would really require the assistance of some outside Power. The Cubans, if given less than full independence, would not trust the Spaniards save under strict outside guarantees; if given independence or full autonomy, they could not govern the island and furnish a proper degree of order without foreign support. Many cool-headed Cubans and Spaniards agreed with Cushing. Careful British observers also went far toward agreeing, as Lord Derby's speech to the British Anti-Slavery Society on May 26, 1875, indicated.

Obviously, the deduction from these conclusions was that friendly and peaceable American intervention offered the best road out. Cushing repeatedly urged it. He sent Fish two elaborate schemes for it, one drawn up by Cuban leaders in Madrid and one by an American there named Edward Belknap. "Every advocate of the independence of Cuba," he wrote, "or of its autonomy under the suzerainty of Spain, or

¹² See especially Cushing No. 154, Spanish Despatches, State Dept.; Cushing to Fish, Private, June 26, 1876, Fish Papers.

of the emancipation of the slaves, whether he be Spaniard or Cuban, turns his thoughts instinctively towards the intervention of our government." Belknap's plan involved British mediation as well. But Fish cut through such schemes with a single telegraphed question (July 21): Would Spain accept our good offices? Next day Cushing had to cable back the weak confession that "no manifestations of any such intention yet appear." Fish had no desire to burn his fingers again with an offer of mediation that Madrid would ultimately reject. He waited, asking Cushing to urge a prompt settlement of the long-standing grievances against Spain, particularly as to the embargoed estates.

Cushing, laboring valiantly at this, soon cherished hopes of a general settlement. Then in September the Cánovas Ministry fell and his work had to be begun over again. Already Fish had begun to show uneasiness regarding the delays of the new monarchy. Irritated by news that Burriel was receiving praise instead of punishment, he wrote on September 10: ¹³ "Spain seems to be false to the last." When details of the ministerial overturn arrived, they also proved disquieting; for Cushing wrote that another revolution seemed imminent, and might be unfavorable to the American demands. This drew from Fish a despairing complaint of the difficulty of treating with so unstable a government. "They are delaying a settlement," he wrote Cushing on October 6, "beyond the possible endurance or patience of either the government or people of the United States." Referring to the court-martial trials in Cuba, he observed ominously that the Spanish policy there was stamping the contest "with all the characteristics of a state of legal war." A general reconsideration of the American attitude, he wrote in closing, was under way in Washington.

"As between the Spaniards and the Cubans," he disgustedly informed Louis Jennings of the *Times*.¹⁴ "I feel very much as my late friend Judge Kent said of two brothers: 'If there be anyone that I think less of than Judge D. it is his brother Professor D.; if there is anyone that I think less of than Professor D. it is Judge D.'" He rallied Cushing on his optimism and his unquenchable confidence in *mañana*. But during October even Cushing betrayed grave doubts. On the 5th, he wrote that if Spain gained some real successes in Cuba, the government would take a defiant attitude toward America. If both the Cuban and Carlist rev-

¹³ Fish to William Hunter, September 10, 1875; Letterbooks.

¹⁴ October 5, 1875; Letterbooks.

olutions were suppressed, a foreign war would be popular in Spain. The provocation of such a war seemed to Cushing by no means impossible. On October 16 he was hopeful again, writing that by patient insistence the United States might obtain redress for outrages against its citizens and see Burriel brought to book. But the 22d found him in fresh gloom. He doubted whether the Carlists could be overcome. The Treasury could not meet its current expenses. A dark prospect opened on all sides, and the state of the political factions was like the Biblical chaos before Genesis.¹⁵ These weathercock turns of opinion interested Fish, but they gave him no encouragement.

Moreover, the Administration was once more under heavy pressure for action. Defeated in 1870 and 1873, the demand for intervention again reared its head. The *Sun* and *Herald* were bellicose; Fish wrote of "the wonderfully persuasive influence of Cuban bonds scattered broadcast among the noble army of newspaper reporters." Cuban refugees kept up their agitation. Indignation over the arrests, embargoes, military trials, custom house fines, and interruptions to trade was widespread. When the Cabinet met on October 26, Grant asked about affairs in Cuba. "This," Fish jotted down, "evidently comes from the inspiration of the Cuban bondholders who have been at work at Long Branch and at the office of the Washington *Republican* all summer." He gave the President a general explanation. Quoting consular reports, he asserted that Spanish officers were now really sustaining the insurrection for pecuniary purposes; that by a secret understanding with insurgent leaders, they furnished the rebel forces with arms and supplies. Grant remarked that he thought it would be necessary to send Spain a sharp message upon the heavy burden which the Cuban Government was imposing upon American property, and upon commerce by the heavy export duties; the United States buying enormously from Cuba and selling little there. His attitude was genuinely threatening. At heart, Grant always wanted to intervene in Cuba. He showed as much at the next Cabinet meeting, October 29th. With evident sternness, he asked about Cushing's work in Cuba. Fish made a worried entry in his diary.

I replied . . . that Cushing had been very earnest in pressing the settlement of the various questions with Spain; . . . that he had been instructed to intimate our impatience at the continuance of the war, and the possibility that we might find it necessary to assume a different attitude from that which we

¹⁵ Cushing to Fish, Nos. 581, 588, 601, 620, 631: State Dept. MSS.

had already occupied.

That he had written a note referring to the recognition by Spain of the belligerency of the Southern States, and showing the justification which the United States would have, should they think fit to recognize belligerency of the Cuban insurgents.

The President inquired, Why not recognize independence?

I answer the difficulty was to find the government to which we might concede the existence of independence; that I could not ascertain that within the last five years there had been the semblance or pretext of a legislative assembly being convened; that in the early days of the insurrection an Assembly . . . had met from time to time, but that about five or six years since it had been suddenly disbanded, and so far as I have been able to ascertain, has not since been convened; that Mr. Lemus had admitted to me that the majority of the members of the body were wholly self-appointed . . . adding that "we do not know much about elections in Cuba."

But Grant was not convinced by these objections. During another Cabinet discussion of Cuban affairs on November 5, Fish asked his frank opinion as to the national policy. He promptly replied that we should recognize belligerency if not independence.

Congress, too, was about to sit—a Congress full of filibusters, the House controlled by Democrats intensely hostile to the Administration. The Cuban lobby was preparing to lay siege to it. Fish heard that Aladama, head of the Junta, was being besought to issue \$20,000,000 additional Cuban bonds to be used wherever they would be effective. He heard also that such Cuban sympathizers as S. S. Cox among the Democrats and N. P. Banks among the Republicans planned to carry a stiff resolution recognizing either belligerency or independence—a move which Grant, if his mood did not change, would encourage. At this very moment the scandalous story of John A. Rawlins' bond-holdings was revealed to the Cabinet. Grant told the members that he, as executor of Rawlins' estate, had asked after the funeral for an inventory of all the property. The agent who made it out reported finding a number of Cuban bonds, which Grant asked him to destroy. However, having occasion within recent weeks to look into the safe, he had been surprised to find that they were still there. He seemed in doubt as to what should be done with the bonds. Robeson suggested that they be sold! Fish pointed out that it would not do for the President, even as executor, to be selling such bonds, and Grant agreed. The fact was later revealed that the bonds totalled \$30,000. This was a painful episode, and recalled old apprehensions to Fish's mind.

III

What could he do? It would be possible to hold Congress in leash by a sternly argumentative message on the legal imbecility of recognition. But the President could not be induced to send in such a message unless a strong alternative course were adopted. Fish, moreover, himself now felt so nauseated by the unchecked bloodshed in Cuba, the selling of lives for a few dirty pesos, and so irritated by the delay in meeting our claims, that he was ready to offer a stern alternative policy. Early in November, 1875, the Secretary hammered out his plan. There should be an elaborate message to Congress pointing out the dishonesty and untenability of recognition—with nothing to recognize. There should be an emphatic note to Spain, warning the new régime that if it did not meet our demands at once our policy might be sharply changed. And as a third element, Fish resolved upon an appeal to the European Powers to support him by representations in Madrid for a stoppage of the Cuban war.

In short, his purpose was identical with that on several former occasions—to head off Congress and President and keep the situation in his own hands; but his means had to be new, and he tried to go further than before in pressure upon Spain. At the Cabinet meeting of November 5 he manoeuvred to bring Grant under control by obtaining approval of a stiff warning to Spain—a warning that unless the conflict were ended, the United States might feel it its duty to intervene. That same day he wrote Schenck outlining what he intended to put into the President's annual message to Congress.¹⁶ Many Congressmen had been playing with the issue "in pure demagogism or sentimentality," and must be shown its true character. They must be brought to realize the grim responsibilities offered by the Cuban situation. He would show them that recognition, instead of being the *pacific* measure which holders of Cuban bonds pretended, was a measure of *war*. Dishonestly, indirectly, and without preparation, it would carry us into conflict. He would take steps to "compel Congress, with whom rests the war-making power, to decide whether it will have war. If we must have war, let us meet it honestly and advisedly, not by indirection and surprise."

Fish at once wrote his pages for the annual message. They constituted an exhaustive and unanswerable argument against recognition of the rebels in any form. That step would be legally and morally indefensible,

¹⁶ Fish to Schenck, November 5, 1875; Letterbooks.

he proved, and would lead the nation into war on discreditable grounds. Fish then reaffirmed the readiness of the United States to mediate between Spain and the insurgents. He treated the American claims, the long Spanish delays in meeting them, and his hopes that they would yet be satisfied. He mentioned also the most recent Spanish gestures toward reform in Cuba. At the close he sounded a threatening note. He had Grant state that, since American interests and considerations of humanity demanded an early cessation of the war, he should feel it his duty, if hopes of a satisfactory adjustment and early peace were disappointed, "to make a further communication to Congress at some period not far remote." But the central argument was on the untenability of recognition.

At the last minute Grant flinched from sending this message. Fish learned in the Cabinet meeting of December 3, 1875, that "the President had altered and emasculated what I had submitted to him on the subject of Spain and Cuba." The Secretary "objected most strenuously," arguing that the watered-down version presented no argument against recognition, the real issue. And he went on: ¹⁷

That it presented the question of intervention without any argument in its suggestion, which was of grave import, being practically a suggestion of a possibility of war.

That the people of the United States and the nations of the world would regard such bald presentation as insufficient, and unworthy of the grave consequences to which it pointed.

That with his approval I had sent an instruction to Cushing on the subject, which had been read in Madrid and in London, and which committed us to a certain line of policy which should be sustained and enforced by his message.

That the passages which he had read would make Mr. Cushing and myself unsustained, and render all our effort abortive.

Bristow and Pierrepont sustained my views, generally expressing the opinion that the subject should be treated more argumentatively. Jewell wished the same thing. . . .

Grant yielded to this pressure by the four ablest members of his Cabinet. He adopted Fish's long draft almost in toto, omitting only two short passages (one upon the increased Spanish military effort in Cuba, the other general in nature), and including the whole argument against a recognition of independence or belligerency. The paper, one of the

¹⁷ Diary, December 3, 1875.

ablest Fish ever penned, gave the annual message a memorable distinction.

Its effect upon Congress and press was all that the Secretary had hoped. Upon the interventionists it fell like an icy douche. No man, after reading it, could continue to advocate recognition and pretend to intellectual honesty. A few days after it had been published Fish wrote Cushing that the "wild" war-fever had sensibly abated, and that as he had anticipated, the sentimentalists had been brought up short by realities.¹⁸ He felt that his emphatic statement had come in the nick of time. There had been and still was a deep conviction that the brutality and turmoil at the nation's very doors had lasted long enough—after seven years, too long. Many individuals and some large economic interests were suffering. "It was necessary to speak decidedly, or Congress would have taken the control of the question out of the hands of the Administration."

So much for his successful measures to prevent an alliance of Grant and the Congressional extremists in behalf of recognition; but what of his effort to bring Spain to terms? This effort, embodied in Instruction No. 266 to Cushing and supplementary instructions to other Ministers in Europe, constitutes one of the most curious episodes in our diplomatic history. Fish hoped for a great success; his measure embodied sound common sense; but the result, alas! was total failure.

In No. 266, dated November 5, 1875, Fish recited the heavy list of American grievances against Spain. He declared that the continued failure to redress these wrongs raised the question whether "longer endurance ceases to be possible." He pointed out once more that while Madrid denied the existence of a state of war, her agents in Cuba made use of the rights and privileges of belligerency. Spanish-American relations were in such tension that even a minor incident might produce ungovernable excitement, and "force events which this government anxiously desires to avoid." It was plainly impossible for the situation to continue, and the United States expected prompt and spontaneous measures by Spain to ameliorate it. Failing of an immediate settlement of the questions at issue, the President "feels that the time is at hand when it may be the duty of other governments to intervene. . . . He will, therefore, feel it his duty to submit the subject in this light . . . for the consideration of Congress." Though the note did not say so explicitly, Fish desired a termina-

¹⁸ Fish to Cushing, December 10, 1875; Letterbooks.

tion of the struggle on the basis of complete or nearly complete Cuban autonomy, and emancipation. This was the grand desideratum, and the only one in which other governments than the United States could be strongly interested.

Cushing was directed not to present No. 266 at once. He was to wait until Fish could learn whether Great Britain would not also press Spain for action. General Schenck was to read a copy of No. 266 to Derby, with the suggestion that if England exerted her influence at Madrid "to induce a settlement," a more speedy adjustment might result. The other principal European Governments were also to be approached in the same way. During this brief delay the United States took significant naval steps. The fleet was based for the winter on Port Royal, S. C.; war-ships were ordered to Key West for fleet exercises; and the commander of the European squadron was directed on November 13 to take two vessels to Lisbon as if on his own authority and if possible without attracting attention. On November 12 it was learned that Spain was sending two powerful ironclads, the *Vittoria* and *Saragossa*, to Cuba, with two more that were smaller but very speedy. Six other Spanish vessels were being fitted out, Cushing wrote, in great haste.¹⁹ Evidently Spain also was afraid of Congress!

In asking for British representations in Madrid, Fish felt that he had ample justification both in precedent and in the general British attitude. The English were as hostile to Cuban slavery as the Americans. British citizens had been killed, British property embargoed, in Cuba. Layard and Sickles had repeatedly acted together in Madrid. They had made simultaneous representations in 1870 against slavery; they had protested simultaneously against customs exactions. Granville had instructed Layard to support certain other American positions. Following the *Virginus* outrage, the British Government had rejected Madrid's request for its good offices unless Spain agreed to comply with the American demands. In China the United States had similarly given support to British demands for commercial rights. Indeed, some evidence exists of a tacit understanding that American coöperation would be extended to England in the Far East, and British support to American policy in the Caribbean.²⁰ Fish had good reason to believe that London might now urge Madrid to end the war.

He hoped that Russia and Germany would take similar action, and

¹⁹ Cushing to Fish, No. 652; Bemis, *op. cit.*, VII, 194. ²⁰ Bemis, *op. cit.*, VII, 196.

believed that Spain would then yield. How could she resist such general pressure?

IV

But these bright anticipations were all confounded when Spain, as several times before, parried the impending blow by a timely counter-stroke—and when Cushing lent her his best aid. On November 15 Madrid sent Fish a note, a summary of which reached him by cable. It met all the points which he had raised in his recent notes, and promised redress and reform in specific terms! Fish was naturally taken aback, while Cushing was pleased. The untoward results, as Fish saw them, are presented in a most illuminating letter he wrote Schenck a month later:²¹

I fear that Cushing's reluctance to present a positive message has induced him to find some expression in my instructions to avoid the full force and object of my No. 266. It contained no threat, but was intended (so far as Spain was concerned) to let her know that our patience was exhausted. So far as *home* matters were concerned it was intended to foreclose the questions of recognition of either belligerence or independence, to stop the mouths of blatant filibusters in a Democratic Congress, and to bring out the expression of what I never doubted to exist, *viz.*, the entire unwillingness of our people to risk a war for Cuba, and to show the insignificance of the loud-mouthed sympathy for the Cuban insurrectionists. The *home* effect has produced just what I expected. But Cushing had been conducting a long and able correspondence; he loves the controversy of negotiating on paper. He received a long, able, and very friendly but subtle and evasive note on 15th November. I doubt that it was what he had expected; he telegraphed me its general purport; it opened the door for long-protracted correspondence and negotiation . . . —a godsend to him, but nothing to us who want *something* to be settled. On receiving his telegram I telegraphed to you to delay presenting the instruction to Lord Derby, and in the meantime, by means of the cable, ascertained that the Spanish note would not, in any sense, change (in fact it does not touch the point of No. 266) the view or policy of the Administration, and requested the presentation of the instruction.

The delay had lost us the opportunity of learning from you the effect the note would produce on Lord Derby, and lost us the benefit of concurrent suggestion at Madrid, inasmuch as it was necessary to present the instructions in Madrid before the delivery of the President's annual message.

This was a disappointment. Next, Cushing, in presenting the instruction, seems to have told them what was very apparent, that my instruction bearing date November 5 was written before the receipt, and without knowledge of

²¹ January 15, 1876; Letterbooks.

the contents or purport of their note . . . written on the 15th November, and seems to have intimated that nothing need be done on their part, until it be seen how far the Spanish note of [the] 15th might change the views, etc., of the President. On the receipt of my instruction, he says that Layard was prepared to back him up. But he seems to have held Layard back, who of course has reported something to London, and now what he is doing or will do remains to be seen. Russia and Germany were quite cordial, and prepared to say that the conflict ought to be brought to a close—this is all we wanted said.

He added that the United States had no desire to prescribe the terms of settlement; that he would regard annexation as an unmitigated calamity; and that, doubting the immediate fitness of the Cubans for independence, he believed the best possible arrangement would be a scheme of dominion government like Canada's. "It was something of this sort to which I hoped Spain would not be wholly disinclined, when she should have heard simultaneously from the principal European Powers their agreement that the time had come when the strife should be ended. . . . I shall yet hope, but I get no direct and *positive* information. Cushing's despatches are very able and exceedingly interesting, but inclining to be speculative and hypothetical." Fish was left groping half in the dark.

The conciliatory Cushing had not liked the tone of No. 266 at all. He did not believe that Spain had been so remiss as Fish alleged. The Legation files, he wrote on November 19, showed that no unfulfilled promises existed. Sr. Martos had met all his promises by signing the comprehensive agreement for a Claims Commission. Sr. Castelar had met his promise to release the embargoed property except in a single instance, that of Angarica, which hung fire on a question of citizenship later resolved by Serrano. "Much of the apparent misunderstanding for years," Cushing asserted, "has arisen from confounding *embargo* with *confiscation*, and from allowing the object of satisfying the clamors of property claimants (and mostly slave property of bogus citizens at that) to stand in the front-ground so as to push out of sight the transcendent question of death-sentences in violation either of our treaty-rights or of our rights of sovereignty." He thought that most of the claims by Americanized Cubans were presented in an effort to make Washington their tool for private objects. "Everybody here," he concluded, "Spaniards and foreigners alike, on looking back now on the last eighteen months, expresses astonishment in view of all the results which the United States

have accomplished."

A few days later he wrote Fish more sharply still.²² He defended his patience and his generous confidence in the Spaniards as the best means of winning diplomatic success. He was sure that Madrid would soon make all necessary concessions. And he pointed out that Spain was not the only nation with faulty institutions:

. . . It pains me infinitely to have it confirmed that "hordes" of penny-a-liners, bribed with bonds of the Cuban Junta, are the masters of Congress, and so able to act on the foreign policy of the Government. That, it is true, is the universal belief in Spain, nay, in all Europe.

It is a humiliating fact (or imputation) which Spaniards are continually throwing in my face. They frankly admit their own defects of ill-regulated ambition, of proclivity to insurrection and civil war, of indecision of opinion, and of occasional fits of savage cruelty. But they charge us with what they think is worse, corruption, public and private, financial frauds, a mercenary press, and the subordination of principle (including the highest interests of the country) to electoral demagoguery.

For these charges they have the authority, as they say, of our public journals, and above all, of Congress itself, which has, by its extra-constitutional investigations, so-called, dishonored beyond measure itself and the country in the estimation of Europe.

Fish, after hesitating for ten days over the Spanish note of November 15, had directed Cushing and Schenck on November 27 to present No. 266 at once. But he had made one concession to Madrid. Cushing was directed to say that No. 266 was "not intended as minatory in any sense but in the spirit of friendship."

The European response to the despatch was discouraging in the extreme. In Spain the Foreign Minister, Calderon, listened to No. 266 with an amiable face. He expressed his agreement with its general observations, and promised a detailed reply after full study; a promise which might mean much or nothing. Great Britain and most of the Continental Powers were chilly to the request for pressure in Madrid. London had of course been informed of the Spanish offer of November 15, while Layard knew Cushing's hostile views upon Fish's step and transmitted them to Lord Derby. Throughout Europe the Spanish Ministers besought the various foreign offices to rebuff the United States. Boker, for example, sent from St. Petersburg a vivid description of how the Spanish envoy hurried to anticipate him in an interview with Gortcha-

²² Private, November 26, 1875; Fish Papers.

kov, and exerted all his powers of argument.²³

Lord Derby told Schenck on December 2 that his government was willing to assist in any way that promised to promote peace in Cuba, "but is not prepared to put any pressure on the Spanish Government or to put forward proposals which he has reason to think it would not accede to." American efforts to induce him to alter this position all failed. Late in January he repeated his refusal. The French Government was even less helpful. Its Foreign Minister declared that Madrid could not yield without playing into the hands of the Carlists, which France did not desire. The Italian and German Governments contented themselves with vague expressions of approval of no practical value. The Italian Minister told Fish that relations between Rome and Madrid were delicate. The German Minister was more explicit. His country, he said, had suffered from the Cuban revolt, but it did not wish to take any decided step; it could not act except in concert with other European Governments; and Spain was so weak that other nations ought not to add to her troubles. Russia alone made representations of some vigor in Madrid.

And when early in 1876 the contents of No. 266 were revealed at home, the American response was also harshly critical. Part of the press at once condemned Fish's approach to the European Powers as violating the spirit of the Monroe Doctrine.²⁴ This was rather absurd. Fish summarized his real intention in a talk of December 30, 1875, with the Italian Minister: "That we desired the restoration of peace and good government, that we had no selfish or aggressive policy, did not invite or seek any forcible intervention by other governments, but simply asked an expression of their opinion as to the reasonableness of our attitude and demands on Spain. . . ." The Monroe Doctrine was not involved in this expression of a decent respect to the opinions of mankind.

As a matter of fact, Fish followed a precedent set by John Quincy Adams, who of all men might be supposed to know what the Monroe Doctrine meant. In 1824 Adams had formally asked the mediation of the Russian Government with Spain to bring about a cessation of Spanish hostilities with the new South American republics; and Fish had this action in mind in writing No. 266. As recently as June 17, 1870, the House of Representatives had passed a resolution authorizing the President to remonstrate against the barbarous conduct of the war in

²³ Boker to Fish, Private, February 11, 1876; Fish Papers.

²⁴ See, e. g., the *Nation*, February 3, 1876, "Mr. Fish's Facts."

Cuba, and to "solicit the coöperation of other governments in such measures as he may deem necessary to secure from both contending parties" an observance of the laws of war. Surely, an appeal for the moral support of Europe in calling for an end of the war was no more an infringement of the Monroe Doctrine than an appeal for its moral support in asking for reformation of the methods of war. No less a person than Admiral Polo had once, informally and casually, suggested to Fish that he might try to align Europe behind him in requesting a cessation of hostilities. The Secretary had acted with propriety and with logic. Nevertheless, most Americans seemed to disapprove his course; nor did he lighten their censure when he made a rather clumsy public statement on the question.

Altogether, No. 266 must be pronounced a failure at home and abroad. Fish had meant well; he might quote Addison, "'Tis not in mortals to command success;" but he had miscalculated. The ground should have been more fully explored, the attitude of European Governments more carefully gauged, before he took so unusual a step. He should have realized the possibility, nay, the probability, of such a note as Spain sent on November 15 (for Madrid always tried to anticipate a session of Congress) and been prepared for it. With the cable at hand, he should have compelled closer harmony on Cushing's part. Nevertheless, when we call No. 266 a failure, we must not overlook one fact. It was the price paid for Grant's reluctant inclusion of Fish's powerful argument against recognition in his annual message, an argument that was a complete success.

Nor did No. 266 do any permanent harm to Spanish-American relations. Prince Gortchakov even thought that it had produced a healthy effect in Madrid. When Boker told him of the American criticism, Gortchakov said: ²⁵ "What a mistake! I regard that affair as a complete triumph. You see that Spain is now eager to justify herself with all the Cabinets of Europe. Mr. Fish put her upon the defensive before the world." . . . There may have been some truth in this. On January 16, 1876, Calderon asked Cushing: "What is the precise thing Fish would like Spain to do under the circumstances?" There is no question that from that moment Madrid showed a wonderful complaisance to America—though not, unhappily, to Cuba.

Spanish-American affairs, indeed, rapidly entered upon a new era.

²⁵ Boker to Fish, February 11, 1876; Fish Papers.

Madrid undertook to treat Fish's formidable indictment as a subject for friendly negotiation, and Cushing gladly aided in the work. Early in February the Spanish Government sent the United States and the European Powers a careful reply to No. 266. It rebutted many of Fish's charges; asserted that reforms had been instituted in Cuba and that economic recovery was well under way there; and, declaring that the rebellion had become mere aimless brigandage, predicted its early extinguishment by increased Spanish forces. Much evidence was indeed at hand that the revolt was fast entering its final stages.

Before Fish left office most of the demands of the United States in behalf of its own citizens had been satisfied. In a new instruction of March 1, Fish answered Calderon's inquiry as to what he expected Spain to do. He laid down four general requirements: (1) a satisfactory understanding as to the rights of persons and property; (2) improved commercial facilities; (3) valid emancipation; and (4) a larger degree of self-government in Cuba, with a general amnesty. Replying in a note of April 16, the Spanish Government expressed almost complete agreement. The specific grievances of Americans were soon nearly all removed. Embargoes were lifted from practically all estates; trials by court-martial were abolished for American citizens, save when taken with arms in hand—and even then they were allowed counsel and the right of appeal; and American commerce was given fairer treatment.²⁶

Cuba remained in chains. The collapse of the rebellion in 1878 by no means brought a disappearance of Creole discontent, for the Spanish promises of reform were inadequate and were badly executed. Not until 1880 did the Spanish Cortes pass an effective law of emancipation. With the spirit of revolt still smouldering, Spain and the United States had gained but a brief respite from the Cuban problem. Confronted at every turn, year after year from 1869 to 1877, by the heavy, irrational, irresponsible Spanish pride, Fish had been unable to effect a permanent solution of this problem. He had used every instrument at his command; he had outlined the elements of a lasting settlement again and again; he had extorted a few reforms. Had the Spanish sentiment of *pundonor* been qualified by only a little more wisdom, he might have succeeded. Once or twice he had seemed to hold victory almost in his hand. But in the end he could only say that he had done his best—and had kept the peace. He had kept it by preventing the main taproot of most wars—

²⁶ Protocol signed by Cushing and Calderon, February 4, 1877.

sentiment, excitement, public passion—from ever gaining strength.

To have kept the peace was in itself an achievement not without lustre. Throughout Grant's second Administration strong forces steadily continued to labor for war. That they took increased power from the industrial depression and presented a very real threat at the time of Fish's No. 266 is proved by many a document of the time. One pungent bit of evidence may be extracted, in closing, from the diary. On November 6, 1875, Ben Butler called on Fish. It was at a moment when the persistent border troubles with lawless Mexican elements were more worrisome than usual. He began by saying that he supposed the Secretary had some desire for Republican success in 1876:

He stated that at the close of the war, 1,400,000 soldiers had been disbanded, and that while many of them returned to peaceful pursuits, the others of them furnished the violent and idle element of society, the tramps and thieves at the North and the outlaws at the South.

That a war would furnish the best means of using up this population; that the business of the country was stagnant, and that a war would give stimulus to all enterprises; that history shows that in time of war even the peaceful classes were stimulated; that a war with Mexico would be popular at the South, and would put an end to all the questions arising out of Reconstruction; that the disorderly population would rush into the war and that "a larger part of them would be left in Mexico either under or above ground."

He thinks that by sending some colored troops, the fact of fighting side by side would relieve those who might survive and return home from all prejudice of color against the Negro.

At the same time, he considers a war with Spain would be good, and that it would be confined to the ocean, and would put an end to the troubles growing out of the Cuban question. That he was opposed to the granting of belligerent rights.

He thought that the two wars would greatly stimulate all the national industries of the country; give employment to what is now idle population, and would in its effect inure wholly to the benefit of the Republican Party.

I listened to him while he occupied more than half an hour in his statements and arguments; and made but little reply other than to suggest that one war was bad enough, but that two at once were more than I would have expected even him to have suggested.

V

He had kept the peace—he had kept the peace. The wheels of Fish's train as on March 27, 1877, he travelled from Washington homeward to New York, might have seemed to him to beat out that refrain. Under

severe provocation and amid many perils, he had kept the peace with Spain. In spite of immense difficulties, he had not merely kept the peace with Great Britain, but had achieved a settlement with that Power which marked a great turning-point in Anglo-American relations, and a great precedent in the international arbitration of disputes. Against the advice of men who wished him to pursue a punitive and provocative policy toward Mexico, he had kept the peace with that troubled republic. His career as Secretary of State was perhaps less spectacular than that of his immediate predecessor, Seward, or than that of one or two men destined to follow him. But in substantial achievement, in its record of errors avoided and of triumphs won, it cannot suffer from comparison with that of any occupant of the office. He had held his high position during a difficult period of transition—transition from the unsettlement and excitement of the war years to the sobriety and steadiness of a new period of peaceful development. His labors during eight years had constituted one of the most important contributions to this process of transition and reconstruction. When he began filing away his papers in his Stuyvesant Square library, he could take pride in thinking that he had left our foreign relations almost clear of difficult problems, and on a footing of general amity and peace.

"Politics," John Morley says, "are a field where action is one long second-best, and where the choice lies constantly between two blunders." But Fish's calm sagacity had often been able to choose the very best, and to show that there were sensible alternatives to blunder.

IT is a bright kaleidoscope that the records of Fish's last fifteen years bring before us. A spectator?—chiefly, but not wholly that. Spring days of planning and planting in the four hundred acres of Glenclyffe; summer days of hospitable talk on the piazza, the Hudson a silver sheet below; autumn days of driving amid the painted woods; winter days again in Stuyvesant Square, the long table sparkling for the best of New York's society, the fireplace ruddy for the children and grandchildren. A steady round of engagements: meetings of the trustees of Columbia College, Fish at one end of the table in the old building on Madison Avenue, solemn, long-bearded President Barnard with his ear-telephone at the other; meetings of the Union League Club, Fish rapping for order; meetings of the New York Historical Society amid its wealth of paintings, busts, and books; meetings of the Astor and Lenox Libraries; meetings of the Standing Committee of the Episcopal Church; meetings of two vestries, St. Mark's-in-the-Bowery and St. Philip's-in-the-Highlands; journeys to Washington for meetings of the Peabody Fund trustees; meetings of the Society of the Cincinnati, President-General Fish erect and dignified as befitted a son of Washington's old comrade. In the background, the slow procession of public life moving by—the brilliant, erratic Garfield; debonair Chester A. Arthur; sturdy Grover Cleveland; the coldly intellectual Harrison, with all that these names connote. Then, before Fish turned the last page of his life, bold Cleveland again.

To the last he moved in a spacious world and was busy with many tasks; he kept a host of friends and conducted a wide correspondence. For some years his interest in public questions was that of a warrior who has just unbuckled his armor. He watched the limp administration of the State Department by Evarts, a gifted man too far past his prime, without enthusiasm, and the brief first Secretaryship of the adventurous Blaine with alarm. He liked to have old comrades at his table—Sir Edward Thornton, to whom he wrote intimate notes and whose promotion to be Ambassador to Russia pleased him; Senators Anthony, Howe, and Edmunds; Rockwood Hoar. To the end of Grant's life his relations with the ex-President were close and his loyalty was undiminished. He

was a shrewd commentator on passing events; a little conservative, a little limited, but independent and outspoken. He even engaged with zest in controversy, and when the "Boston Mutual Admiration Society" renewed its attack on him and Grant, returned shaft for shaft.

He was conscious that he had lived a rich life and often commented on the fact. He had known every governor of New York save George Clinton, he once wrote an old schoolmate.¹ "Of the Presidents of the United States, I have seen and shaken hands with all except the first four. I have dined (in the White House) with Tyler, Polk, Pierce, Buchanan, Grant, Hayes, Arthur, Taylor, and Garfield have dined with me, as also Pierce and Grant. My father, as I have been told, introduced Col. Monroe (afterwards President Monroe, and *entre nous*, excepting Hayes the weakest man ever occupying that position) to his wife." Though he could not remember any special meeting, he had known John Jay. "The Governor was President of the American Bible Society, and altho' he retired to Bedford on the close of his service as Governor, he occasionally visited New York, and on such occasions generally came to my father's house, where I feel confident that I must have seen him." He had known most of the parliamentary giants. "I agree to your judgment of Clay. He was superb—he *was* an *actor*, but of the grandest type; ambitious, arrogant, domineering, but full of generosity, and at times as susceptible to kindness and sympathy as a woman. . . . His acting was assumed, at times, for effect, and produced its effect; at times it was *real*, and then it surpassed all other acting." So he could comment upon American leaders from Albert Gallatin, whom he knew as an old man, to Theodore Roosevelt, whom he knew as a young leader (with Fish's own son Hamilton) in state politics.

In American foreign relations he continued to take the keenest interest. A little more than a year after he quit office the Halifax Award of \$5,500,000 to Canada for American use of the fisheries fell upon the country as a sharp blow. Evarts wrote Fish that he was greatly chagrined by the judgment, that he had spared no pains or expense to present the American case well, and that he feared "we were overmatched in the Commission." Blaine also made a sharp attack on the Commission, and especially on Delfosse. Naturally Fish was at pains, in letters to Washington leaders, to defend his consent to Delfosse not as an ideal arbiter but at the best to be obtained. He at first blamed the

¹ To W. H. Bogart, July 16, 1884; Letterbooks.

Belgian. Writing to Thornton ² upon Delfosse's impending marriage, he remarked that Sir John Macdonald ought to buy him a handsome gift. "Do you think that I ought to send Delfosse a present? How would a pair of scales do? Or a pair of spectacles? Or should it be an ear-trumpet for that ear which could not hear the evidence on one side?" But this was half-playful, and when Thornton remonstrated, Fish admitted that Delfosse might have acted with more justice than Americans supposed. He had, in fact, suffered the common fate of arbitrators. The British after the Geneva award had scourged Staempfli with scorpions. *Punch* once published an apt cartoon: "Arbitration! Ca' that arbitration? Why, they have given it against us!"

The controversy with Sumner's Boston friends was none of his seeking. Fish in the autumn of 1877 went to Boston to attend the triennial general convention of the Episcopal Church, remaining three weeks. At this moment the Edinburgh correspondent of the New York *Herald* reported an interview with Grant which was sharply critical of Sumner. The fiery Wendell Phillips responded with an address upon Sumner which was full of denunciation of Grant and denials of his statements. Thereupon Fish gave an interview to the Boston *Transcript* confirming what Grant had said of Sumner's neglect of certain treaties. When Henry L. Pierce, Sumner's literary executor, called for facts and dates, he promptly got them. "I addressed a letter to the *Transcript*," Fish wrote Grant,³ "answering Mr. Pierce's 'enquiry' and giving, I think, a little more information than was expected. The public press has very generally noticed it, and without an exception so far as I have seen, has considered your statements as fully substantiated." Phillips repeated his lecture, with additional vituperation, in New York and Philadelphia. Fish then published a moderate letter in the *Herald*,⁴ which, he informed Grant, "will be the last notice that I shall feel called upon to take of anything which that blackguard may say."

Such a quarrel could not be expected to generate much light; as Sumner's mind had been all egotism, so those of his followers Wendell Phillips and H. L. Pierce sometimes seemed nearly all fanaticism. Yet a few rays of illumination did reach the subject. Ben: Perley Poore, friend of both Sumner and Grant and substantially impartial, wrote Senator Anthony that the misunderstanding between them might easily

² September 21, 1878; Letterbooks.

⁴ N. Y. Herald, November 10, 12, 1877.

³ November 13, 1877; Letterbooks.

have been composed but for the meddlesome tale-bearing of John W. Forney and M. de Chambrun. Forney was an old woman, de Chambrun a too-impetuous admirer of Sumner, and their loose talk created bad blood. Poore also gave it as his opinion that Sumner had been subconsciously jealous of Grant. He felt a chronic hostility toward military power, dating back to his early oration on peace in Boston; Forney, Ashley, and other sycophants led him to believe in 1866-68 that he might win the nomination over Grant; and when a military upstart like Babcock showed him the Dominican treaty he felt an instant prejudice against it. Boutwell also made a contribution. His statement⁵ that he had heard Sumner tell Grant, on that famous winter evening, "I expect, Mr. President, to support the measures of your Administration," was worth little after eight years. But he rightly observed that Sumner's great error lay in neglecting to return the President's call, and to inform him face-to-face that he could not support the treaty; thus leaving him under the wrong impression gained at Sumner's house. Boutwell had once told Sumner this, and the Senator had admitted his mistake.

In short, Boutwell and Poore seemed to agree that a little more frankness, more tact, and less heed to officious friends might easily have prevented the tragic quarrel. However this may be, the revival of the controversy had one happy result. It enabled Fish to place on record a frank and honest refutation of Sumner's story that the Secretary had tried to bribe him to drop his antagonism to the treaty. He wrote⁶ that he most positively denied the imputation that at any time he had seriously tendered, or thought of tendering, the British mission to Sumner, "although some of his friends more than once urgently pressed it." Least of all would he have thought of doing so to gain Sumner's support for any measure. "If my respect at the time for Mr. Sumner would not have restrained me, I had too much self-respect to traffic with him or any other on such a subject." He continued:

. . . I called, as I was in the frequent habit of doing, late one evening at Mr. Sumner's, and found him much depressed and in tears. I vainly endeavored to rally him; and after his allusion to certain [matrimonial] troubles, which I need not indicate, contrasting his own relations in these regards with, as he said, my own more happy ones, and expressing the wish that some morning he might be found dead in his bed, I urged his leaving Washington

⁵ Boutwell to Fish, November 12, 1877; Fish Papers.

⁶ Letter to Boston *Transcript*, October 29, 1877.

to find relief from what, for some time, I had seen was becoming a morbid and disturbed condition of mind and of temper. I suggested his going to Europe. He presented difficulties, such as his engagement in the editing of his speeches, etc., and the cost, etc., when I incautiously asked if he would like to be Minister to England. He slowly said, "No, I would not like to interfere with Motley, who is my friend." This answer relieved me from an alarm into which a pause and apparent deliberation on his part had thrown me, and had presented the realization of the incaution into which I had fallen. I instantly availed of his reply, saying, you are right, you should go without any official cares or duties.

It was not until months after this conversation that the friendly and intimate relations which had existed for some twenty years between Mr. Sumner and myself became interrupted, to my great grief; and it was not until after such interruption that the suggestion was made that the incautious remark of mine, called out by sympathy with a lifelong friend, whom I found in deep distress and in tears, whom I feared to be in danger of falling into serious mental depression or worse, had been with any improper purpose, or to influence his action upon the San Domingo treaty. In fact, it was thoroughly well understood at the time, and had been for a considerable period before then, that there was no possibility of obtaining a sufficient number in the Senate to ratify the treaty, and that it was doubtful if a majority even of the Senators were in favor of it. Would Mr. Sumner, or any other high-toned honorable man, have continued on terms of personal intimacy for months with one who he thought had approached him with a dishonorable or a corrupt proposition?

The tendency of the reform press, in the first months of the Hayes Administration, to draw invidious comparisons between it and the Grant régime, irritated Fish. *Les absents ont toujours tort*, he wrote; now that nobody expected any favors of the Grant Administration, everybody abused it; its considerable achievements were forgotten. Except upon paper, he thought Hayes' reforms slender. The President and Cabinet talked much of the merit system, but like Grant, they found it hard to put into practise. Fish praised the Administration for its efforts to eradicate sectional antagonism and to govern the country honestly and economically. It had no Belknaps or Robesons. But he deplored the growing schism between Stalwarts and Half-Breeds, which threatened to deliver the country to the Democrats, and which he thought traceable largely to Hayes's clumsiness and partiality. "I wish we were assured," he also wrote Grant,⁷ "of the same inflexible purpose

⁷ August 4, 1877; Letterbooks. Fish wrote Grant in this same letter that the House leaders still threatened action against Robeson, and that Hayes's Secretary of the Navy, Thompson, spoke in harsh terms of Robeson's scandalous mismanagement.

of resumption and belief in solid hard money that marked your Administration; but John Sherman never, while a Senator, showed more than an Ohio man's policy on that question." This was unfair. John Sherman was a far stronger Secretary of the Treasury than Boutwell or Richardson had been; Hayes's veto of the Bland-Allison Bill in 1878 was much more resolute than Grant's initial attitude toward the Inflation Bill. But Fish was so deeply pained by the indiscriminate scorn now poured upon the Grant Administration, obliterating even its successes in the field of foreign relations, that he was unable to see Hayes or his official acts in a true light. No one knew better than he how weak some parts of Grant's record had been, but exaggerated criticism thrust him into an attitude of antagonism; his references to George William Curtis, for example, took on an acid tone of contempt.

I

As Grant slowly circled the globe, he wrote Fish letters which, never before published, throw a pleasing light upon his personality. He had first gone to St. Louis. *En route*, after stopping in Cincinnati, he informed Fish, "Com. Ammen and I visited the scenes and acquaintances of our boyhood [at Georgetown, O.] where we had not met for forty-one years before. The people seemed glad to see us, and realized no doubt more fully than we did the changes that had taken place with us. The change that I saw in others is so great that I felt no desire to tarry long." He added that his wife and he thought of making Washington their home. "Had you accepted the office of Chief Justice . . . I would have hoped to have you for a neighbor, as I now hope to have you always for a friend. Mrs. Grant was so affected at parting that she did not recover until exhausted to sleepiness." The ex-President, as Fish records in his papers, had made \$25,000 from a fortunate mining investment, and resolved to exhaust it in travel. His next letter was dated London, June 22, 1877:

I have been intending for the last two weeks to drop you and Mrs. Fish a line to say how we have passed our time since arriving in England, but have been kept from doing so, until now, by constant engagements and a little by a disposition to procrastinate. The papers have kept the public very well acquainted with all the receptions and invitations I am offered so that it is not necessary that I should give any description. But my reception has been re-

markable in two respects: first by invitations by all authorities connected with the Govt. from the Queen down to the Mayors and City Councils of almost every city in the United Kingdom; and second by the hearty responses of the citizens of all the cities I have visited, or at which trains upon which I have been travelling have stopped even for a few moments. It has been very much as it was in the United States in '65 directly after the war. I take this as indicative of a present very good feeling toward the U. S.

Many persons say to me quietly that they personally were our good friends in the day of our country's trial but they witness now many who were the reverse then that outdo their neighbors in respect and kindness of feeling for us now. Of course I know this is so, but I understand that the South was purely agricultural before the war, paid no attention to manufactories, and were free traders. Self-interest taught them that with separation they would reap large benefits from trade—almost exclusive—with the Southern Confederacy. I believe now the real feeling of the majority is that it is much better that the result should have been in favor of the Union.

Six weeks later, September 9, he was writing from Inverness:

During my tour it would have been a great comfort if you and Mrs. Fish could have been along. On this island the receptions have been a little too much like our departure from Philadelphia to constitute rest; but the welcome has been hearty and gratifying. But on the continent it was very pleasant. My receptions while quiet were hospitable and agreeable. The lack of English-speaking people was all that was required. In ascending and descending the beautiful mountain passes of Switzerland and Northern Italy Mrs. Grant always regretted she could not have some of her old friends like Mrs. Fish to help her enjoy the scenery. But, as you say in your letter, the papers have kept you fully advised of where we have been and what has been done so nothing further on the subject is necessary from me.

I note what you say about the working of Civil Service reform and the new Administration. I think Mr. Hayes is perfectly honest in his intentions; but, if so, I think he will find out that there are two great humbugs influencing him now; namely, reform and reformers. But I hope all will work out right and that three years hence, the Republican Party will be united and triumphant.

A communication nearly a year later from Vienna contains some items of military history: ⁸

Your very welcome letter of the 12th of July reached me in St. Petersburg, where I enjoyed a visit of about two weeks, very much. While in Berlin Gortchakoff expressed a great desire to see me, but his physical condition

⁸ August 22, 1878; Fish Papers.

was such at the time—from gout—that he could not walk. I went therefore to see him, and had a long pleasant talk. He asked me about my proposed visit to Russia, and seemed to regret that he would not be there when I arrived—I expected at that time to reach St. Petersburg some three weeks earlier than I did—but said I would meet with a most hearty reception. Whether felt or not the reception was most cordial in appearance. Our Minister was requested days before my arrival to notify the Prime Minister the very moment I got there. He did so and in two hours after—although the Minister, Gortchakoff, lived some twenty miles out by rail—an answer was sent fixing the time for an audience with the Emperor. When I called the Emperor approached me and taking me by the hand led me to a seat, after which we had a talk of some twenty minutes or more. I know this is an uninteresting subject to write about, but I tell you because we both had serious apprehensions that the case would be quite different. There is no doubt but that the United States stands very high in the estimation of the Russians, from the Emperor down. They fully expect some day to have their aid in the settlement of European matters, which they think further from a satisfactory and peace-inspiring relation than before the Berlin Congress met.

I read all the New York papers regularly, and get slips from papers from all parts of the U. States, good and bad, abusive and commendatory. I am very sorry Young published what he calls our table talk. There is not one word in it which was said with a view of its publication or even of its being taken down. Mr. Young travelled with us up the Nile and on the Mediterranean and during so many weeks much was said upon war matters, etc. He told me afterwards that he was so much interested in many things I said that he had taken them down from time to time, with as much accuracy as he could, for further reference though he did not know that he should ever publish it. He handed me the manuscript—enough of it to fill two pages of the *Herald*—to read, I put it in my trunk and forget all about it for several months, until after Jesse had gone back to the United States. I then looked for it but could not find it. I supposed it had been packed in Jesse's trunk. But further search produced the documents, which I read over hurriedly and struck off a large part relating more particularly to my civil administration. The balance was substantially correct except in relation to losses in the campaign from the Rapidan to the James River. I said that Welles and Taylor and other writers would soon have it pass into history that we had a 100,000 men killed in that campaign to reach a point which could easily have been reached, by boat, without loss, and ignoring the fact that Lee sustained any losses during this time; that 40,000—I thought about 39,000—would cover such losses; but that Badeau's book would give the facts with the greatest attainable accuracy. I said our reports from time to time of killed, wounded, and missing would show a much greater loss. But of the missing reported many would turn up in a day or two, many again would be found in the hands of the enemy and would afterward be exchanged, and many again were slightly wounded but not disabled from duty. . . .

Grant added that after a month's rest in the mountains he would pay a visit to the only countries he had not yet seen in Europe, Spain and Portugal. The next summer (1879) he hoped to be in Long Branch, and would probably make Galena his winter home. "I am quite ready," he concluded, "to believe that you have been working quite hard as a 'farm laborer' and that some days you may earn as much as 25 cts. by your labor, and that your hands are blistered, your face bronzed, etc., but it taxes my credulity too much when you say you would not *swop* your present position even for a place in Mr. Hayes' Cabinet. . . . Do you suppose either Schurz or Evarts would fully credit your statement? But I shall keep it as a profound secret. I too am entirely content with my present lot. But I do not know what the offer of such a position as you speak of might effect. The President declining to give me the Berlin position which Halsted of the Cincinnati *Commercial* urged so strongly upon him, might prevent me from accepting any other position under this Administration. Then too I should object to association with Schurz. I make up my mind the position will not be offered to either of us, and it is an easy matter to decline what we know we cannot have."

Not until September, 1879, did Grant return through the Golden Gate, to begin a journey eastward across the country which proved a triumphal progress. He found waiting for him a still-admiring people. He found waiting, too, the politicians—the Stalwart leaders, the Old Guard, who had adroitly engineered a third term movement. Three men, Conkling in New York, Don Cameron in Pennsylvania, and Logan in Illinois, each at the head of his machine, hoped to make Grant the next Republican nominee. It was not creditable to him that he lent himself to the movement. Nor was it creditable to Fish that, like Boutwell, he approved of the movement. He gave his reasons in various letters to his friends. The coming election would be hotly contested; during their long tenure the Republicans had made many enemies; it did not greatly matter which of several good men they nominated; but it was of the greatest importance that they choose someone who would be victorious. Only by a victory in 1880 could they break the unity of the "solid South" and restore a healthful division into parties in that section.

These reasons are far from impressive, and Rockwood Hoar refuted them in a sharp yet complimentary letter.⁹ Confessing himself a

⁹ Hoar to Fish, May 19, 1880; Fish Papers.

bit old-fashioned, Hoar remarked that he believed the popular aversion to a third term, save in some dire emergency, entirely sound. Moreover, with all respect and regard for Grant personally, he thought that the character, history, and relations of the politicians most prominent in pressing his nomination were such as to excite anxiety and distrust. It was important to find a candidate who would command wholehearted party support, and in whose ability and uprightness the country would have unquestioning reliance. "I do not quite see in any of the leading candidates all that wisdom and safety require—and hoping, therefore, that the convention at Chicago may make a more prudent choice, I will merely add that my own candidate, first, last, and all the time, is Hamilton Fish of New York, and that I have urged upon all the Massachusetts delegates whom I have seen the wisdom of working quietly in that direction. The credit of a large part of what was best in President Grant's Administration belongs to his Secretary of State—and in the private history of that debt what was prevented is perhaps as deserving of gratitude as what was done." Though Conkling would be antagonized by any New York nomination save his own, "your name would give us . . . a vigorous, united, harmonious, and successful campaign." This was handsome of Hoar. The New York *Herald*, and a few other newspapers, also advocated Fish's nomination. But he was seventy-two, and few could really think him available.

Grant's defeat in the Chicago Convention was a bitter mortification to the ex-President. But his friends hastened to make it possible for him to live in New York on a scale befitting his position. On November 10, 1880, Fish received a letter signed by George W. Childs, Thomas A. Scott, Anthony J. Drexel, and J. Pierpont Morgan, asking him to be one of twenty gentlemen to make up a fund of \$100,000 to be invested for Grant's benefit. He cordially assented; but before arrangements could be perfected it was announced that another group, headed by George Jones of the *Times*, had raised \$250,000 as a fund for the general. The \$100,000 was then used to buy him a house on Sixty-sixth Street near Fifth Avenue.¹⁰ Fish did not wholly like these gifts, writing that Congress ought in decency to give all ex-Presidents a pension of \$25,000 a year. He was glad, however, to have Grant a neighbor again. The general was often at the Stuyvesant Square house; Fish's engagement book mentions him and members of his family dining there in

¹⁰ Fish to Childs, November 13, 1880, March 12, 1881; Letterbooks.

1881 and 1882, as they doubtless did oftener. The two men met also as trustees of the Peabody Fund.

Fish was therefore a close witness of the sad decline of Grant's fame during 1881-84, when his attempts to meddle with the patronage under President Arthur, and the well-known fact that he was interested in Wall Street operations, dimmed the lustre of his name; and a close witness also of the swift transformation, blending tragedy and triumph, which followed in 1884-85. Few pictures of Grant are less pleasant than that of the affluent soldier living at ease in a fine house and giving his time to Mexican railway schemes and the vague financial transactions of Grant & Ward. No picture is more heroic than that of the doubly-stricken man, fortune and health irretrievably gone, battling against pain at Mount McGregor to finish his memoirs and leave his family a modest support. The country beheld again the Grant of Vicksburg and the Wilderness. Its faith that he was really a hero came back, this time forever. His errors were forgotten as men read how, dictating when he could not speak above a whisper, writing on a pad when the whisper was gone, he completed his book. His last and greatest victory had been safely won when, on July 23, 1885, he died.

Fish laid his own fervent tribute on Grant's coffin in an article in the *Independent* of July 30, 1885. He described instances of Grant's magnanimity. He told of his willingness to yield a preconceived opinion—as when he gave way to Fish's insistence upon Charles Francis Adams as Arbitrator at Geneva. He touched upon his frequent shrewdness of judgment. And, testified Fish, "I think he was the most scrupulously truthful man I ever met."

II

After the election of 1884 Fish's interest in politics rapidly diminished. In this particular campaign he came near bolting the Republican Party, and hardly concealed his belief that Cleveland deserved election. He knew Blaine for a fascinating leader. But he had not forgotten the Mulligan letters and the other suspicious events of 1876. Moreover, he had learned enough of Blaine's record as Secretary of State under Garfield to feel a profound distrust for him. Bancroft Davis, who became Assistant Secretary of State again under Arthur, had discovered evidence which satisfied him that Blaine had pushed certain Pe-



HAMILTON FISH IN HIS STUYVESANT SQUARE LIBRARY

ruvian claims in the most improper and dangerous way. "We were on the highway to war for the benefit of as nasty a set of people as ever gathered about a Washington Department," he wrote Fish.¹¹ He accused Blaine of desiring to suppress certain documents in the matter; and some papers were mysteriously "lost." The State Department, he added, had become "greatly demoralized." Fish, recalling all this, sent a sharp refusal to Evarts' invitation in 1884 to attend a "ratification meeting" in New York. He did not like the demagogic platform, he wrote.¹² He did not like the nominee. "My mistrust of the foreign policy which I fear will be introduced, and the apprehension of other alleged tendencies, bid me pause." He did admire the personality and acts of Cleveland. In the end, with a wry face, he voted the Republican ticket. But he was never sorry that Cleveland was the victor. "He is a *Man*," he wrote later in another connection.¹³

Having long looked forward to retirement, Fish now found his keenest pleasure in home employments.¹⁴ The larger part of each year was spent in town. The Stuyvesant Square house, at the corner of 17th Street and Second Avenue, had a spaciousness which suited him and his household. It was half-surrounded by a large garden, well planted with trees, shrubs, and flower-beds, with a fountain in the middle. The first floor contained a large hall with marble floor and marble busts; a handsome dining-room; a drawing-room with a carved marble mantel-piece which Fish had bought in Europe; the so-called blue room, hung in blue silk; and an octagon room. The two latter were used as approaches to the dining room, but for little else except when a large reception or dance was given. In the dining-room, which overlooked the garden, stood cabinets with old Dresden china, and two large sideboards; the table could be extended to great length. On this floor also was Fish's library, with a small room beside it containing a safe for valuable papers. A broad walnut staircase, lighted halfway up by a stained-glass window, led to the second floor. All rooms, even on the third floor, were high-ceiled, and most of them were large.

Fish spent nearly all his daylight hours in his library—for he took singularly little exercise. He was constantly at his desk writing, or in his big armchair reading. But when late in the afternoon he joined Mrs.

¹¹ Davis to Fish, February 8, 1882; Fish Papers.

¹² July 10, 1884; Letterbooks.

¹³ To Robert C. Winthrop, October 2, 1885; Letterbooks.

¹⁴ I am indebted for much information to Fish's grandson, Mr. Hamilton Fish Webster, whose recollections of him go back to the Secretaryship of State.

Fish and the family in the drawing-room for tea, his work ended. After dinner the card-table was brought out, for he loved a game of Bezique. Fish's collection of books was large and catholic, with standard sets in fine binding, and a constant supply of new works. Besides the library proper, a large office-room on the ground-floor below was filled with books. He had at his elbow numerous works of reference, sets of state papers, and books on American history. Most of the novels were kept at Glenclyffe. He read little fiction, though his fondness for Walter Scott was inextinguishable, and less poetry, but much history and biography. He also kept up his acquaintance with the ancient classics. "Yes," we find him writing in 1879, "I have read Froude's *Caesar* and Forsyth's *Cicero*, and I am half-vexed with Froude for proving Cicero to have been such a mean, self-seeking, faithless politician—and unfortunately Forsyth cannot acquit his client."

The entertaining in Stuyvestant Square was varied—large and small, formal and informal parties. He kept a good cook, and the meals were always of high quality. After dessert, the ladies leaving the room, the old gentleman loved to entertain his friends over Madeira, nuts, and cigars, even to the second and third Havana. He served claret, sherry, and port, but above all took pride in his Madeira; he always personally decanted and rebottled his large stock, and liked to discuss the various vintages. His talk kept to the end the tolerance and geniality that had always made it captivating, while his reminiscences of men and events gave it weight. He seldom quoted books, though sometimes a couplet of verse; he often quoted great figures of the past whom he had known.

At Glenclyffe, where he had more leisure, he kept much outdoors. In 1877 his farmer and superintendent broke down, and not wishing to discharge the man, he assumed the work himself. Grant often chaffed him on his agriculture, and made amusing calculations of the cost of his hay and potatoes. But then, Fish would rejoin, consider the feeling of independence! He grew enough apples and small fruits to be a liberal dispenser to his neighbors; he cut enough hickory wood for the fireplaces in Stuyvesant Square. He was proud of his flowers, and especially of his roses. Some bushes which he imported from England in 1878 proved the most beautiful he had ever seen, and he was greatly gratified when his neighbor Osborn remarked, "Well, heretofore I have been ahead of you in roses, now you have beaten me." He walked, drove,

blistered his hands with a pitchfork, and talked with the stream of visitors. When the day's work was done he delighted to sit on the south piazza, enjoying the resplendent view down the river in the rich sunset light and watching the *Mary Powell* as she throbbed northward to Albany. On the north piazza hung a thermometer which he made it a rule to examine thrice a day, the last time just before going to bed; and he neatly entered the temperatures in red and black ink in large volumes. While he delighted to have his family about him, he could do without them. In June, 1879, he wrote Dr. (later Bishop) Whipple that the two unmarried children being absent on visits, "Darby and Joan are alone. My wife and I sit down and read together, we drive out together, we walk together, and tiring of this, we talk together. I do not think that we weary either of the other; we realize that we are old and accept the fact, grateful for the very many blessings which we have enjoyed."

From 1877 to 1887 he kept a neat account-book of his principal dinner guests, with diagrams of their places at table. It shows many of the fashionable names of the city—Livingstons, Duers, Astors, Belmonts, and the like. But more frequent are the names of such men as Joseph H. Choate, Whitelaw Reid, Lloyd Bryce, Abram S. Hewitt, and William Evarts—names that represent intellectual distinction. After he left Washington there was no one with whom he liked to converse more than with his son-in-law Sidney Webster. With his two old departmental associates, Bancroft Davis and John Cadwalader, he was always intimate; and at Garrison he saw a great deal of Osborn and Pierrepont. Of his lifelong neighbor Samuel B. Ruggles, one of New York's most extraordinary figures, he once remarked: "Ruggles can throw off more brilliant and pregnant ideas in a given moment than any man I ever saw." Such men as George L. Rives, ex-Senator Conkling, and Bayard Tuckerman also helped to make his drawing-room, with its unassuming dignity, one of the best centres of talk in the city.

Religious leaders, Bishop Potter at their head, were often at his board. To the last he remained extremely devout. He read his Bible faithfully every night; he always held family prayers—the servants attending—in the library or drawing-room before breakfast. But he never attempted to force his religion upon others. He instructed his children, he set them an example, but he went no further. Mrs. Fish, on the other

hand, tried to see that the whole household put religious precepts into practise. She expected her children, and any guests in the house, to go to morning service on Sundays. All Fish's children were confirmed in the Episcopal Church, and one, Stuyvesant, became a notable authority on American church history.

With absent friends he was an assiduous, cordial, and interesting correspondent even when the ailments of old age—neuralgia and rheumatism—sapped his strength. His letterbooks give many glimpses of his personality. We find flashes of humor. Irritated by the centennial celebrations which dragged out from 1875 to 1889, and the flow of oratory they inspired, he surmised that William M. Evarts would yet be heard pronouncing an eloquent discourse on the centennial of the death of John Hancock's tomcat or the birth of Joyce Heath's first child. We find bits of sharp criticism. He learned in 1877 that Jesse Grant had behaved in England "like a cub." Writing John Cadwalader, then consul-general in Cairo, he remarked:¹⁵ "If you meet him on top of the Pyramids, do not, I beg of you, for his parents' sake, push him off; but if from the top you see him at the bottom, look down upon him with the indignation of 'forty centuries.'" John Jay having become abusive of Grant and Fish, the latter thought his appointment by Hayes as head of an investigating committee very proper. "No one is better fitted than he to perform a duty similar to that which on the Channel steamers is assigned to one of the stewards, of holding a bowl in which anyone may relieve himself of any uncomfortable matter on his stomach."

But in general he was kindness itself. He loved to recall old intimacies. When William Hunter celebrated his fiftieth year of service with the State Department, he wrote an eloquent letter of appreciation. When Thornton left Washington, he assured him that no diplomat had ever quit our shores "carrying with him as much of the confidence, respect, and affection . . . of the American people." Their eight years of almost daily intercourse, "with many hearty tussles, and perhaps an occasional 'official' (but never a personal) tiff," were among his happiest recollections. He expressed feeling grief over the death of Nelly Grant Sartoris in 1879, "a very lovely child and woman." He was always a peacemaker. When in 1882 the arrest of Irish-American agitators in England threatened to becloud relations between the two countries,

¹⁵ January 25, 1878; Letterbooks.

he asked Sir John Rose¹⁶ to urge the government to pursue a milder policy. He did what he could for sectional harmony. In 1885, Grant's death having created a vacancy on the board of the Peabody Fund, he requested ex-Governor William Aiken of South Carolina to propose General Sherman. Such a generous gesture would have a happy effect upon both North and South, he wrote. "Here is an opportunity where one of the most prominent Southern men may shew to the country and to the world that the animosities of the war are forgotten." He always insisted, to the same end, that the trustees of the Fund should constitute a truly national group, and not be a mere Southern body.

Even in his last years he gave assiduous labor to the two institutions nearest his heart, Columbia College and the Episcopal Church. One of the principal creators of Columbia University, John W. Burgess, testifies¹⁷ that on his arrival in 1876 he quickly saw that Chairman Fish, S. B. Ruggles, S. P. Nash, and Gouverneur M. Ogden were the Big Four of the board of trustees. They were "all men of very superior intelligence and organizing ability"; they were all "chafing to move forward." The support which these four gave to President Barnard, Dr. Burgess, Nicholas Murray Butler, and a few others made possible the rapid emergence of a true university. Fish was heartily in favor of every one of the successive steps—the founding of the Faculty of Political Science; the removal of the Law School to Forty-ninth Street, its closer integration with the other departments, and its transformation into a real School of Jurisprudence; the renovation of the library; the steady strengthening of the faculty; and the rapid enlargement of graduate work. These progressive steps, in fact, were measures to which he had looked forward since the fifties. While they were being taken, he insisted that the undergraduate work should receive closer attention and be steadily improved.

The trustees met monthly—much more frequently than most college boards—and the labors of the chairman were heavy. A mass of Fish's papers relating to Columbia shows that in 1878 he was unhappy over its position. "The results attained in the educational direction of the College," he wrote the Treasurer, Gouverneur M. Ogden,¹⁸ "appear to me very disproportioned to the means and the endowments of the institution." For this he largely blamed Ogden, whose influence had been

¹⁶ April 18, 1882; Letterbooks.

¹⁸ March 15, 1878; Letterbooks.

¹⁷ *Reminiscences of an American Scholar*, 176 ff.

paramount in the board while Fish was in Washington. Without mincing words, he stated that "the failure of the college to rise to its responsibilities and to its duties" was due to Ogden's excessive conservatism and bad stewardship. He demanded an immediate change. With his usual thoroughness, he set to work to bring it about. Letters from Burgess show that he expected Fish first to prepare the board for each new measure, and then to carry it through. "Were you able," we find Burgess writing on May 14, 1882, "to accomplish the establishment of the librarianship and prize lectureship in the Department of Political Science? Or have you succeeded in putting them upon the way of accomplishment? I most earnestly hope that you have." While the institution grew, Fish constantly insisted that the faculty work harder, and that no previous gain be surrendered.

By 1885 he was more content and hopeful. He liked the younger leaders of the faculty, and gladly lent them aid. President Barnard he always regarded as somewhat visionary. In a letter of 1884 he remarks ¹⁹ that "were he as wise as he is fertile in suggestions for expenditures, the College would have a valuable officer at its head." Ogden's control of the finances (he invested \$350,000 in an unproductive tract in the northern part of Manhattan which depreciated in value) he sharply criticized; while he deemed it improper that the Treasurer should also be a trustee. But for men like Dr. Burgess and Dr. Butler, whom he admired and trusted, he could not do too much. The Board was strengthened in the eighties by the addition of George L. Rives, Seth Low, and George L. Peabody. Under Fish it was a harmonious and effective organization. Each year he headed the commencement procession, and one student destined to eminence, Benjamin L. Cardozo, has testified to the awe with which he watched his stately figure moving across the campus, "the incarnation of History."

Thus serenely, thus fruitfully, his life drew to its end. The death of Mrs. Fish on June 30, 1887, ten years after his retirement from office, was an indescribable blow to him. During their married life of more than half a century, she had given him wise and efficient aid in every phase of his public career. He often said that he had never made an important decision without consulting her. Those who understood his constant dependence on her unfailing tact and forethought, and the exceptional closeness of their association in all matters of the mind and

¹⁹ January 14, 1884; Letterbooks.

spirit, trembled for the effect of the rupture. It did instantly carry him into a seclusion from which, even in a social way, he thenceforth emerged with great reluctance. Yet he was too wise to give up his ordinary labors.

His own end came suddenly. His birthday, August 8, 1893, brought him many pleasant tributes, public and private. As yet he seemed little enfeebled. Passing the summer at Glenclyffe, he drove and walked much as usual. On the evening of September 6, dining with good appetite, he played his game of Bezique with his daughter Julia, the widow of Colonel Samuel N. Benjamin. He read the thermometer, wrote down the temperature, and retired cheerfully. But next morning, soon after rising, he died suddenly in his chair. With a quiet funeral, he was buried in St. Philip's Churchyard on the eastern bank of the Hudson; the churchyard in which his wife and daughter Elizabeth already lay under one of the most striking of all St. Gaudens's monuments.

In intellectual powers Fish was inferior to some of his political contemporaries. His mind was not quick, original, or rich. He had no brilliancy or wit, and not the highest kind of cultivation. He was entirely without eloquence—he always shrunk from speechmaking—and boasted few accomplishments. The talents which he possessed were somewhat fettered by an excessive modesty. There was nothing of the comet or the torrent about him, nothing that dazzled or overpowered; he was to outward view merely a plain, courteous, substantial gentleman. But this can be said of several of the greatest Americans, and Fish possessed qualities which, impressive by reason of their balance, made him one of the most useful leaders of his generation.

He was preëminent for the clarity and soundness of his judgment, for his perfect moderation and self-control, and for his quiet dignity and indomitable firmness. Almost invariably judicious, he seldom wrote or spoke a rash word (the 'Moran letter' was his only prominent error of the sort), or committed a rash act. Beneath the surface he had keen sensibilities and strong emotions, but he held them in complete rein, and during a long lifetime never acted from personal caprice, selfish ambition, or resentment. He was never moved unworthily by desire for office and power; by resentment of the plots against him and the malicious attacks on his reputation; by flattery or wheedling. He was in the highest sense a gentleman and a man of principle. Principle, to be sure,

he always espoused calmly. He never acted with an absorbing enthusiasm. But he had convictions, he clung sternly to them, and in an age of laxity and corruption, he carried into public life an antique standard of dignity, honor, and justice.

What were these convictions? He never troubled to formulate his political philosophy and probably never thought closely upon abstract political principles; but he nevertheless held a well-moulded set of doctrines. We must return to early republican days for terms in which to define them. They were the doctrines of the Hamilton-Marshall school as modified by Clay and Webster; they were not at all the dominant doctrines of the Republican Party in the later sixties and seventies. The circumstances of his Federalist environment at birth, his aristocratic upbringing, his Whig tutelage in politics, all united to make him a conservative nationalist. He feared the disintegrating forces of American society, and believed in a sovereign state strong enough to protect minority interests against tyrannical majorities. Though he had none of Hamilton's rough contempt of democracy, he trusted the people no further than Marshall or Webster did. He had a strong property-consciousness. Beginning his career as legal adviser to monied New Yorkers, serving as head of the chief endowed institutions of New York, he felt keenly the importance of protecting property rights. This fact appeared repeatedly in his life, from his opposition to the Anti-Rent leaders to his support of the repeal of the Civil War income tax. He believed he firmly as Clay in sectional amity. He believed that education and civic training should have a larger weight in American government. The celebration of log cabins, hard cider, and split rails as ideal antecedents to a political career pained him; he was most at home with such men as Caleb Cushing, Rockwood Hoar, and Robert C. Winthrop, and did what he could to give them larger opportunities in politics.

But while the old Federalist-Whig doctrines furnished his underlying political philosophy, on them he necessarily reared more pragmatic beliefs. In deploring the heated issues of sectional conflict, 1850-1880, he not only manifested the Federalist passion for national union; he displayed the preconceptions of a landed aristocrat. In tastes, manners, and sympathies this descendant of the land-owning Stuyvesants, this son of a great up-State landholder, this resident of Glenclyffe, showed the conservatism and moderation of a country gentleman. He

could understand the planter aristocracy of the South. He had little in common with the men who scrambled to exploit mills, banks, and mines—the masters of capital. He believed in a conservatively-paced development of the country, attended by careful efforts to preserve the harmony of sections and classes. He believed also in a sane balance of agricultural and industrial interests, and subconsciously was pained by the ruthless energy with which the latter gained their victory before his death. Perhaps the feeling was conscious, for he unquestionably thought more highly of Cleveland's first Administration, with its attempts to restrain the excesses of capitalism, than of those which just preceded it. He was happier, and spiritually was more at home, in antebellum America than in post-bellum America.

He was fortunate in his career. His gifts were administrative, not political. In the party arena, without forensic power, without subtlety, without aggressiveness, without magnetism, he could never have gone far. He had little taste for the parliamentary hurly-burly. It was a happy fate which elevated him to the highest appointive office in the American system, and kept him there for eight crowded years. For that office his equipment was superb. He had precisely the cast of mind required. A reader of his diary is at once struck and impressed by the stubborn skepticism, the instinct toward doubt and denial, with which he faced all proposals. When Polo, Thornton, or Bartholdi presented some claim, some request, Fish's characteristic response was a no, supported by all the objections he could muster. When politicians entered with demands, suggestions, or entreaties, again he was always skeptical, and often hostile. If his objections could be answered, well and good—but that required forcible argument. Always he was stern of temper, always tough of mind. The great need of the Grant Administration was somebody who could say "No!"—and in eight years Fish said it thousands of times. While in large matters of policy he was conciliatory, he always insisted upon American rights within the framework of international law, and always maintained them. Thornton in one of his letters to Granville has a phrase which pregnantly describes Fish as "encasing himself in an impenetrable armor of Dutch obstinacy."

His knowledge of French, German, and Italian was invaluable in consultation with diplomats. He was singularly free from international prejudices or dislikes. For France he had, as we have said, a strong affection. For England his feeling was rather of respect and admira-

tion; he knew how resolute Englishmen were in defending their interests, and in the relations of the two countries he tried to be equally resolute in defending America's. But he had many British friends, his daughter married an Englishman, and his liking for Great Britain increased steadily. In dealing with Spain, he preserved always a compassionate feeling for the Spanish people as distinguished from their government. Never once did he fail to show consummate urbanity. His cosmopolitan training in New York, his two years of European residence, and his high social position helped to make his intercourse with foreign representatives remarkably frank and cordial.

His chief disability in office, arising from his sense of political inexpertness, was a certain self-distrust in dealing with politicians and the electorate behind them. He knew that he was ill-equipped to make any appeal to public sentiment; that he was not a Jefferson or Clay or Webster. He was hence never capable of the bold imaginative strokes of a Clay or a Seward. He might at times even be accused of timidity, as in his fears of the Senate in handling the indirect claims, and of both Senate and House in Cuban affairs. But in general he manifested merely a wise caution. He could be courageous enough when occasion demanded it; and if he executed none of Seward's bold strokes, he was guilty of none of Seward's occasional rash and ill-balanced acts. He moved one step at a time, he was plodding rather than brilliant, but he reached his goal.

While never political-minded, he could be very politic. He managed some Senators adroitly. And in what has been said of his rectitude, it is not implied that he was too good for human nature's daily food—or for directing foreign affairs in a selfish world. He sometimes chipped the cube of truth to make it roll. His diary reveals the fact that soon after he took office Grant asked his advice in a very minor dispute between Britain and Portugal, in which the President was arbiter. Fish reported that Portugal had the better side of the argument, and that Grant should so determine unless he believed that our relations with England made a verdict in her favor advisable! Sir John Macdonald was much amused by one of the closing scenes in making the Treaty of Washington. The protocol or journal of proceedings was read over and agreed upon. The British Commissioners confined themselves to a strict report of what they had said. The American Commissioners inserted numerous statements which they had never made—simply

for their effect upon the Senate! Fish was always practical-minded. But his realism was in general strictly subordinated to principles and ideals. A great political writer has said: "A man is always so much more than his words, as we feel every day of our lives, and what he says has its momentum indefinitely multiplied, or reduced to nullity, by the impression the hearer for good reasons or bad happens to have formed of the spirit and moral size of the speaker." No associate of Hamilton Fish was ever in doubt as to his moral weight.

He rapidly gained a mastery of the technical side of his office. The Department had never been so efficiently managed as under him. His reforms of procedure not only economized time and labor, but assisted in the wise management of foreign relations. His subordinates trusted him as few Secretaries are trusted. Punctual, methodical, and accurate in the highest degree, he inspired those qualities in his office-staff. His capacity for labor was enormous. Only a reading of the diary can give a real conception of it. Year in and year out, he worked from dawn to dark reading dispatches, seeing diplomats, attending Cabinet meetings, consulting leaders of Congress, and writing instructions. In 1869-73 crisis followed crisis. And after labors that would have exhausted most younger men, amid social demands of the most exacting kind, he somehow found time and strength to set down an exact record of the day's occurrences, frequently reaching 2,000 words or more.

What did he accomplish? He must often have asked himself the question, and we can perhaps give it a better answer than he. Playing his part in two eras, one of sectional conflict and one of reconstruction, he strove for distinct goals in both. In his efforts to help avert the Civil War he utterly failed. Much was involved in that conflict besides slavery; it was essentially a collision between two distinct civilizations. The economy founded upon free labor and large-scale capitalism was too powerful to be checked by such men as Fish. Perhaps he exaggerated the rôle of the mere fire-eaters in precipitating the conflict. Late in life he wrote that about 1850 he had often thought that if the most intemperate politicians on both sides the Mason and Dixon line could be collected into a single omnibus and plunged beneath the Potomac, peace might be preserved. By 1860 it would have taken several omnibuses to effect the result, but he still believed it could have been attained. Doubtless this view of the causes of the Civil War underestimates the influence of the large under-

lying forces, and it perhaps indicates why men like Fish accomplished so little. They strove valiantly—but they proved to be puny straws in an overmastering torrent.

Yet after the war, raised to a place of real power, he decisively succeeded in his second great endeavor. He helped to prevent a reckless realization of the doctrine of Manifest Destiny. The thoughtless masses were ripe for another movement of national expansion, or if not ready, could quickly have been made so. Seward had been an expansionist. Grant was one. Sumner was one. It would have been easy to launch the nation in 1869 upon the imperialist path which it finally took in 1899. The conquest of Cuba and the annexation of Santo Domingo would have come first. Expansion into Canada would have followed. Had Elihu Washburne remained Secretary of State, such a course would have been probable; had Grant appointed Morton or Zach Chandler, almost inevitable. While the forces of economic imperialism were much weaker than in 1898, those of sentimental imperialism were stronger. The clock of American policy might have been set ahead by twenty years. In the papers of Elihu Washburne is a letter from James G. Blaine just after Grant's first election, asking Washburne to use his influence to have some man hostile to Great Britain and favorable to expansion named Secretary of State. What if someone of Blaine's own temperament had assumed the office? Fortunately, the State Department fell to the strong hands of a man who was resolutely opposed to imperialism, and opposed, above all, to the wars which must be fought to achieve it.

That Fish did the nation a great service in thus combating an expansion which would have added to the national confusion, strained the national finances, saddled a weak Administration with crushing burdens, and altered the temper and ideals of the American people for the worse, few will doubt. But this was not his only service. To the most erratic of our national Administrations he furnished an indispensable balance-wheel; in a time of national disgrace, he illustrated the validity of older ideals of rectitude and honor.

The literature of many peoples presents some variant of the old Teutonic legend of a sleeping hero, a Barbarossa who rests in his magic mountain, to come forth full-panoplied in time of direst national crisis and inspire the land anew. These are but legends; there is no way to awaken Charlemagne or Alfred or Washington. And yet there may be a core of truth in these folk-myths. The *spirit* of a past age may sometimes

be reëmbodied in a national figure, and again move in its councils and help shape its policies. The career of Hamilton Fish illustrates that possibility. By a happy stroke of fate, at the moment when the American Government sank to the very nadir of disrepute, when greed and corruption seemed to sway most departments of American activity, there was reincarnated in the second officer of the republic the high integrity, the selfless patriotism, the regard for principle, the far-sighted judgment, which recalled the days when Fish's idols, Hamilton and Jay, walked the earth. The reappearance of these virtues was at once a reminder of a nobler past, and a promise—when the turbid confusion of the war years disappeared and the deeper currents of national life reasserted themselves—of a brighter future.

1.—Mexico.

Secretary Fish was called upon to deal with chronic and serious border depredations by bands of Mexican outlaws and adventurers, and with troublesome smuggling from the Mexican Zona Libre, a belt six miles wide on the northern frontier. His policy was lenient and patient. Extended accounts of the subject may be found in J. M. Callahan, *American Foreign Policy in Mexican Relations*, and J. Fred Rippey, *The United States and Mexico*, supplemented by documents in *Foreign Relations*. Here I shall merely cite some of the new material in the Fish Papers.

The keynote of Fish's Mexican policy is to be found in two letters of 1875. On April 2 he wrote John L. Cadwalader: "There seems to be an apprehension of some coming difficulties with Mexico. . . . I have no doubt of the desire of a class of persons in Texas to get up a war with Mexico; the speculating contractors all over the country sympathize in such object, and there is at present a very large class of unemployed who would see adventure and excitement and chances in a war. Some may think that a war may secure the elevation to power of the political party which inaugurates it. It would, however, be very disastrous, and moreover, there is no cause for it. They are the lawless people of *both* nations who are committing the outrages, alternately on either side of the boundary." And on September 10 he wrote E. L. Plumb: "There is always a floating, speculating, unsettled class in the community, restless in all quiet, and ever seeking commotion and turbulence. I fear that the excitement of the late war has not quite left some of our military men, who long for the chances of distinction and of advancement which attended some other of their fellows. There is no doubt a strong feeling in Texas in favor of a war with Mexico; the border population (on both sides) is one of loose regard for laws, and with little appreciation of the blessings of peace, order, and good government. A war with Mexico would bring troops and circulate money in Texas, contracts would be tempting; in fact, our Eastern States have this 'noble army' of contractors, quite as numerous, quite as rapacious, and quite as patriotic as that blessed band of sharks in any part of the world. All these would look with complacency, at least, on a fight with Mexico." He added that the suggestion of war was absurd.

While Fish strove earnestly to protect our rights, his diary shows that he resolutely set his face against any course likely to lead to war. Cattle thefts and other border outrages by Mexican raiders aroused increasing indignation. On December 12, 1870, he instructed the American Minister, Nelson, to ask that the Chihuahua government permit the crossing of pursuit troops from the United States. President Juarez replied that Chihuahua would coöperate by the use of its own troops, but that the approval of his Congress would be

necessary to permit the entry of American forces, and he could not ask it. Fish showed patience. He merely had Nelson say unofficially that if Mexico did not adopt measures to check the robberies, "it may become our duty at least to weigh the expediency of pursuing the hostile Indians into Mexico without the consent of the Government." Beyond strong warnings of this sort he did not go. On January 16, 1873, he wrote Nelson that the Mexican Government seemed so apathetic or powerless "that sooner or later this Government will have no other alternative than to endeavor to secure quiet on the frontier by seeking the marauders and punishing them in their haunts wherever these may be." But, he added, Nelson should not for at least the present "make a formal representation to this effect." In dealing with Indian trouble he was equally patient. The Kickapoos, who had migrated to northern Mexico during the Civil War, liked to make thievish raids into American territory. Early in 1873 Fish sounded the Mexican Minister, Mariscal, on measures to return the Kickapoos to their American reservation. Mariscal promised that his government would aid in the transfer by appointing a Commissioner to act with a similar American officer. But when Fish asked him pointblank whether Mexico would use "pressure" on the Indians, Mariscal said no; Mexico would try "to persuade them, but will use no pressure." (Diary, February 13, 1873.) Fish did not pursue the matter.

Late in the Grant Administration the rise of Porfirio Diaz to power presented a new situation. In February, 1877, Fish authorized John W. Foster, the very able Minister to Mexico, to recognize the new government if it would engage to repeal the Zona Libre and institute effective measures to prevent border raids. But he intimated that these conditions would not be pressed too hard. Early in the Hayes Administration a Congressional report (House Report 701, 45th Cong., 2nd Sess.) censured the "temporizing" policy of Fish, and Evarts adopted a stronger line. But it was the strength of the Diaz Government which finally brought a fair measure of border security—and meanwhile Fish's policy had kept America and Mexico on amicable terms.

2.—*The Isthmian Canal.*

Grant was deeply interested, as Seward had been, in an isthmian canal. One of Fish's first endeavors was to come to an agreement with Colombia for use of the Panama route. General Stephen A. Hurlbut, a military friend of Grant's, was sent to Bogota in 1869 with instructions to negotiate a new agreement like the unratified Cushing convention, under which the United States was to have the sole right to construct and own a canal, to be completed within fifteen years. Because of difficulties of communication Hurlbut was given a fairly free hand. On January 26, 1870, he signed a treaty. The United States acquired the exclusive right to construct and operate a canal; it was to guarantee it against attack, but other nations were to participate in this guarantee. Parts of the agreement were unsatisfactory to the Colombian Senate, which amended it; the changes were unsatisfactory to Fish;

and the treaty failed. (See Bemis, VII, 206 ff.; J. C. Rodrigues, *The Panama Canal*, 186 ff.)

Negotiations with Colombia were transferred in 1873 to Washington. The Colombian envoy, Martin, outlined the terms on which his country would negotiate a new agreement. He asked for a loan of \$6,000,000 to Colombia, to be ultimately repaid from Colombia's share of the canal revenues; 25 per cent of the gross revenues of the canal; and an American guarantee of the defense of parts of Colombia lying outside the canal zone. Fish thought these terms absurd. He told Martin that the loan was "wholly inadmissible"; that 7 per cent of the gross revenues was as much as Colombia would be entitled to; and that the proposed engagement for the defense of Colombia was "vague, dangerous, and cannot be assumed." (Diary, March 11, 1873.) He also informed the Colombian Minister that his country must not suppose it was conferring a favor upon those who might undertake the canal, "and should be liberal in their terms in order to allure capital to the undertaking and to treat it as an object from which they were to derive pecuniary benefit." Further conversations between Fish and Martin came to nothing.

Meanwhile, Grant had appointed an Inter-oceanic Canal Commission to study the data gathered by exploring groups sent out by the Navy Department, with other material, and report on the best route for a canal. In February, 1876, it recommended the Nicaraguan route, with termini at Greytown on the Atlantic and Brito on the Pacific. This made further negotiations with Colombia useless and cast on Fish the burden of obtaining, if possible, definite rights from Nicaragua. Late in 1876 a new Minister from that little republic, Dr. Cárdenas, arrived in Washington. Admiral Ammen, who constantly urged an isthmian canal upon Grant, entertained him. "I can assure you," Ammen wrote Fish on November 11, "that he is well disposed on every proposal that you will probably make. I consider an armed police as necessary alike to the successful prosecution of the work, and to guard Nicaragua against filibusterers, and I think he has now the same idea." (Fish Papers.) Fish accordingly prepared a draft treaty, which looked toward construction by an American company, but safeguarded the rights of Great Britain and other maritime nations. The principal maritime powers of the globe were to furnish a guarantee of the neutrality of the canal; it was to be open to ships of all nations at all times; and the neutral zone was to extend over waters within a radius of 150 marine miles from each entrance, and over a strip of land ten marine miles wide along the course of the canal. A board of control appointed by the guarantor governments should prescribe regulations for the use of the waterway. Fish showed the draft to Thornton, who agreed that it did not violate the Clayton-Bulwer Treaty in any way. (Diary, January 18, 1877.) Indeed, Fish never at any time intended to repudiate or whittle down the Clayton-Bulwer Treaty. The diary shows that he regularly and harmoniously consulted Thornton on isthmian matters. At one time he sharply reminded England of her duties under the treaty. (Bemis, VII, 207.)

But the draft treaty which Fish laid before the Nicaraguan Minister did not suit the latter. It seemed to contain impairments of Nicaraguan sovereignty; while Cárdenas wished the United States to furnish "material assistance" for the canal. He put forward counter-proposals which the Secretary did not like. Moreover, a month before the Administration ended, Fish heard that the Nicaraguan Government had granted a canal concession to a Peruvian company. "That is the way Nicaragua always does," commented the Costa Rican Minister. With the approval of the Cabinet, Fish therefore terminated the discussions with Nicaragua. (Diary, February 1, 2, 1877.) Like Seward before him, he had failed to obtain a solution of the diplomatic difficulties in the path of an isthmian waterway. But he left his successor, Evarts, a valuable legacy in plans and policy.

3.—*The Orient.*

Fish's Far Eastern policy, which was based on the doctrine of coöperation with the chief European powers, had decided vigor. In dealing with two problems particularly, the Audience Question and the Tientsin Massacre, he tried to bring about concerted action in China.

Since 1860 diplomatic representatives of Western Powers, on arriving in Peking, had sent their credentials to the regency which controlled affairs during the minority of the Emperor. But on February 23, 1873, the young monarch came of age and assumed charge of the government. The question of audience, a difficult one since the first American Minister had been refused an interview with the Emperor, was revived. Fish instructed our Minister that it "should now be demanded. You will accordingly make such a demand, not separately, however, but in concert with the representatives of the other Powers." (Fish to Frederick F. Low, December 21, 1872; Instructions, China.) He added, however, that it might be best not to make an imperative demand, but to proceed by degrees "and with due tenderness for the inveterate prejudices" of China. From time to time the audience question was revived. After the untimely death of the Emperor in January, 1875, the American Minister reported that advisers of the new monarch were disinclined to grant audiences to diplomats. Again Fish decided to act in concert with the European nations and so informed the American Ministers in London, Paris, Berlin, Copenhagen, and St. Petersburg.

The Tientsin Massacre grew out of the intense hatred of the Chinese in that area for the French, whose troops had behaved badly and whose authorities had sanctioned the erection of a Catholic edifice in the city over the ruins of a sacred temple. On June 21, 1870, an outbreak resulted in the destruction of the French consulate and a French orphanage; a score of foreigners, chiefly French, lost their lives. Disorders spread to other parts of the Chinese Empire. France, preoccupied with her European troubles, was helpless. Fish first sanctioned efforts by Minister Low in Peking to act in concert with other Western diplomats there in supporting the French chargé when the latter made formal demands for reparation. He also took cognizance of the

danger that the Franco-Prussian War would imperil the united front of the Western Powers in China. "It appears to the President," he shortly wrote Minister Bancroft in Berlin, "that the hostilities between France and Germany, if conducted in Chinese waters, will operate on the minds of the Chinese to put in peril the lives of Europeans and Americans in that Empire." Bancroft was instructed to sound the government of North Germany to ascertain if it would not agree to a suspension of hostilities, and coöperative action between the French and German squadrons in Chinese waters, "as far as the protection of lives and property of Americans and Europeans may require." This advice was followed. (Fish to Bancroft, November 1, 1870.) The place of the United States in the closed front was reaffirmed by Fish a few weeks later, when he informed the Minister to China that his language in protesting against certain threats to American missionaries had been too moderate. Minister Low was instructed to speak not of American rights alone, but to say that "any violation of the rights of our citizens and any flagrant violation of treaty stipulations of other Powers may cause a change" in American policy. (Fish to Low, November 29, 1870.) The united front continued in China until the great rupture in 1914, when Germany's proposals for neutralizing the Far East were rejected by the Allies.

4.—*Fish's Descendants and Cuba.*

It is interesting to note that one of Secretary Fish's grandsons, Sergeant Hamilton Fish, serving with the Rough Riders, was the first American soldier killed in the Spanish-American War in 1898. Another grandson, Representative Hamilton Fish, Jr., as a member of the House Foreign Affairs Committee, led the campaign in Congress in 1933 against the Machado Dictatorship, and received from President Mendieta the highest Cuban decoration for distinguished services to the Cuban people.

PRIME MINISTER MACDONALD's letters to Tupper, Cartier, and other Cabinet associates during the Washington negotiations of 1871 (Canadian Archives) offer a shrewd commentary upon events, and tell a melancholy tale. He begins by relating how he was met at the Washington station by Thornton's carriage; took rooms at the Arlington; dined at Fish's house with the Commissioners "and a number of other swells"; and was pleased to find that the private instructions of the Foreign Office were broad enough to cover the Fenian claims. Schenck showed the British Commissioners over the Capitol. At the Senate door the Ohioan sent for Zach Chandler, "telling him that the British lion was waiting him and he must come out and confront him." Chandler showed extreme politeness.

But Macdonald was soon a very unhappy man. He learned that Fish insisted upon inshore fishery rights for the United States, but did not believe that Congress would renew the reciprocity treaty, and suggested a pecuniary equivalent. At this Macdonald tried to take a firm stand. "I told Lord de Grey that we had not even taken into consideration any other equivalent but that of enlarged commercial intercourse in the direction of reciprocity, and as nearly approaching the old Reciprocity Treaty as the exigencies of the U.S. Revenue would permit. That I did not at all know how a money payment would be received; but that my impression was that it would be out of the question for Canada to surrender for all time to come her fishery rights for any compensation however great." Granville authorized the British Commission to discuss a sale, at the same time expressing his preference for one in perpetuity. But the Colonial Secretary, Kimberley, supported Macdonald and Tupper in opposing a sale in perpetuity. When Fish offered \$1,000,000 in perpetuity, the Prime Minister was indignant. He wrote Tupper that Fish during the discussion had mixed up and garbled some Canadian returns "in the most disingenuous manner." As March closed his British colleagues were pressing Macdonald for concessions. "I consented that we should accept free coal, salt, fish, lumber, and the coasting trade in exchange for the fisheries. I had ascertained almost beyond a doubt that the coasting trade would be refused. If, however, it had been accepted, I think . . . we would very soon have absorbed all the coasting trade on the lakes, and that portion of the Atlantic that they would have given us; probably to the 38th or 39th parallel." (To Tupper, March 29, 1871).

As the negotiations progressed, British pressure on Macdonald increased. The Americans offered free coal, salt, fish, and free lumber after July 1, 1876. The Canadian Cabinet demanded additions, telegraphing Macdonald that it would accept \$150,000 a year, with \$50,000 additional until lumber was free. Fish had meanwhile learned that there would be greater difficulty in getting free

salt and lumber through the Senate than he had anticipated, and made this clear to the British. De Grey and Stafford Northcote kept urging the Prime Minister to be more reasonable. It was generally believed in England, said de Grey, that the danger from the fishery question was great and pressing; Granville had told him that if it alone were settled, the mission would not be a failure. But Macdonald minimized its dangers, and when reminded of Grant's last annual message, said that he understood that Ben Butler and not Fish was the author of the passages on Canada. A dispute fast ripened between Macdonald and his British associates.

By mid-April Macdonald was protesting vigorously against the British demand that the fishery question be settled along with the other disputes—that all the subjects be mingled. He urged “that Canada was not fairly dealt with in so intermingling them without her knowledge or consent, as they were all separate and distinct in their nature, and that if I had been aware that it was the intention of H. M. Govt. so to intermingle them it would have been a matter of grave consideration with me and with my colleagues . . . whether I should accept the position of Commissioner or not.” He declared again that Canada did not wish to sell the fisheries, or lease them, but to exchange them for a fair tariff arrangement. He held “that the United States Government could not object, or raise any question, if we declined to sell or to lease, and that the present attitude of the American Commissioners was simply an attempt to bully us into a surrender of our rights by speaking of probable collisions involving the shedding of blood and consequent irritations, etc.” Would the United States really countenance lawless acts by its fishermen, he demanded? But by mid-April de Grey took the view that the United States had made two offers that were both reasonable, and that Canada should accept one. The Americans had offered the free entry of coal, salt, fish, and (after 1875 or 1876) lumber; they had also offered to arbitrate the money-compensation payable for ten years' free fishing. De Grey told Macdonald on April 16 that a failure on the fishery question “would involve a complete disruption of the negotiations, and would leave matters in a much worse position than we found them.” (Macdonald to Cartier, April 16, 1871).

Matters came to a crisis with a stormy meeting of the British Commissioners on April 17. For some days feeling between Macdonald and his colleagues ran high. On April 26 the Prime Minister showed de Grey a telegram to Cartier declaring that if England forced Canada to give up the fisheries for a sum to be fixed by arbitration, with free fish, it would be “a breach of faith and an indignity never before offered to a great British possession.” De Grey sent Macdonald a stern letter of protest and denial. Macdonald reiterated, in a letter to de Grey, his statement that Canada was virtually being coerced. We find Macdonald writing Cartier on May 6 of a long talk he had had with de Grey. “I told him that . . . I must repeat my opinion that the arrangements with respect to the fisheries were decidedly injurious to Canada, whose interests had been sacrificed, or made altogether of secondary consideration, for the sake of getting a settlement of the *Alabama* and San Juan matters.

That I concurred entirely in the opinion expressed by the Canadian Government in your telegram which stated that the Canadian Parliament would not sanction the arrangement, and I said that the time must come when I must decide what course I would take. . . ."

To the end Macdonald believed that Canada had been treated unfairly by both the United States and Great Britain; he long hesitated to sign the Treaty, saying that it would be hard to make the Canadian people understand that he disapproved it; and his mental distress on the final day, as pictured by Fish, was thoroughly genuine and deeply felt.

The question of a reciprocity treaty between Canada and the United States again became important early in 1874. On March 28th of that year Thornton and George Brown of the Canadian Government called on Fish to discuss the subject. "Mr. Brown does most of the talking," writes Fish in his diary, "and wishes the Treaty, not for any material advantages, but to promote amicable relations and close intercourse between the two peoples." He inquired as to the wishes of the United States. Fish told him "that we have nothing to propose at all, the suggestion comes from them, and I doubt if any proposition could be made which would be accepted by the Senate and House, but am willing to see and consider any proposal which they have to make." They talked of reviving the arrangement of 1854, but Fish refused to accept any such proposal, recalling that it had been rejected again and again. Brown then remarked "that they may well be willing to stipulate to enlarge their canals to a capacity of fourteen feet; that they contemplate including copyright and patent rights reciprocity; they wish free introduction of their natural products, and might concede the manufactures of wood, iron, and leather, and possibly heavy cotton goods; would like also that the treaty should provide for the preservation of peace among the Indians . . ." Fish was non-committal.

As a matter of fact, Fish never had any real hope that the Canadian Government and the Congressional leaders could be brought together. His cautious handling of the situation appears in the following diary entries:

April 27, 1874.—Sir Edward Thornton and Mr. Brown call. . . . They read a memorandum dated this day. Their memorandum contains a proposition for a reciprocity of trade for a period of twenty-one years, and the relinquishment of the claim of Canada for compensation for the inshore fisheries under Article XXII, etc., of the Treaty of Washington. They also propose various other mutual engagements, including the extension of the patent laws and coasting trade, and the establishment of joint commissions for maintaining lighthouses, etc. They asked whether I would cause the memorandum to be printed for limited distribution. I decline giving any assurance to that effect and express disappointment at the nature of their proposal; that I can scarcely see in it the basis of any arrangement to which the United States can be brought to be a party.

May 25, 1874.—Sir Edward Thornton and Mr. Brown call . . . ; they were told that I would not submit in any form to the Senate the proposition which they had made. . . . In the course of the conversation I expressed a doubt whether it would be possible at this session to obtain any action from either branch of Congress, partly on account of the lateness of the session, but mainly on account of the revenue question. . . . They then stated that they had prepared a modified proposition omitting the coasting trade and had reduced it to the form of a Convention. They read this Convention and I cautioned them that my silence was not to be construed one way or the other.

May 27, 1874.—Mr. George Brown calls; has had an interview with Mr. Boutwell; sub-

mits a long list of manufactured articles and agricultural implements which he contemplates adding to the free list, also a synopsis of the proposed treaty; and confers with me as to persons with whom he may converse on the subject.

May 29, 1874.—Cabinet. . . . I also read the draft of the Reciprocity Treaty as proposed by Sir Edward Thornton and Mr. Brown; after consideration the President authorizes its submission, without expression of opinion, to the Senate.

May 30, 1874.—Mr. Brown called to say that he shall leave for Ottawa this evening. I impress upon him the danger of withdrawing any of the manufactured articles proposed for exemption, and refer to the tolls on the Welland Canal. . . .

June 6, 1874.—Mr. Brown has returned from Canada and says that he finds it necessary to make some modification in the schedule of free articles, proposing among others to limit flannels, blankets, etc., to those costing less than forty cents a pound, saying that we do not make the highest class of flannels and blankets in this country. I reply that the best blankets in the world are made in California. . . . He suggested some other modifications. . . . I told him that if the treaty were made, it would be necessary to provide that no higher duty should be imposed in Canada upon articles not free, the growth, produce, or manufacture of the United States, than upon like articles the growth, produce, or manufacture of Great Britain or any other country. . . . Brown left me to see Senator Boutwell and Benj. F. Butler and others relative to the free list of manufactured articles.

On June 11–17 Fish, Thornton, and Brown held protracted discussions of the treaty, arranging many details to suit Fish. Then on June 24, the morning after the adjournment of Congress, Fish's diary records the anti-climax: "Sir Edward Thornton and Mr. Brown call and inquire as to the present condition of the treaty. I tell them there has been no action, and the matter lies over until another session." But the ensuing session was hostile to any treaty. Fish talked with Brown on January 23, 1875, and writes that he "appears himself satisfied that there is no possibility of its being ratified." The Senate shortly thereafter signified its refusal.

The question of Rawlins' ownership of Cuban bonds is so important that I subjoin the entries in Fish's Diary which bear upon it:

July 26, 1875.— . . . [Bristow] . . . refers of his own accord to the President's allusion to the Cuban question at the Cabinet meeting, and asked if I knew that when General Rawlins died, \$28,000 in Cuban bonds were found among his securities; that the President, who was his executor, had refused to put them on the inventory, and he believed had destroyed them. I told him that Rawlins' name for either \$20,000 or \$25,000 had been in a list shown me at the time by the Spanish Minister, whose detectives had the names of many parties to whom distribution of these bonds had been made.

Bristow says that he obtained this information in New York from a gentleman who knew the facts and whom I knew well, but who did not wish his name to appear.

November 5, 1875.— . . . While Secretary Robeson and myself were with the President, he (the President) referred to General Rawlins, stating that he was executor of his estate, and that at the time of his death, he requested General Smith to collect and make an inventory of all his property; that Smith has reported to him that he found a number of Cuban bonds, which he (General Grant) requested Smith to destroy, but some short time since, having occasion to look in the safe, he was surprised to find that instead of being destroyed, they had been kept.

To Robeson's inquiry "whether he had filed an inventory of the property," he said no, that with the exception of these bonds there was nothing except a house which Rawlins had purchased, but had not then paid for; that he himself had endorsed a note of Rawlins', in part payment of the house, but had never been called upon to pay it; whereupon Robeson remarked that the note by this time had been outlawed. . . .

The President seemed in doubt as to what should be done with the bonds. Robeson suggested that they be sold. I thought it would not do for the President, even as executor, to be selling such bonds, in which opinion he agreed. I then informed him that prior to Rawlins' death I had been told he had the bonds. . . . I further stated that Mr. Roberts had, more than once, produced a list of persons holding Cuban bonds; that they had been distributed very largely in this city, especially to representatives of the press and to some Senators and members of Congress, and others supposed to have influence. I said that I had been shown names in the list, but had never been shown the whole list. . . .

It is shown in a preceding chapter that the Cuban Junta contributed \$20,000 in Cuban bonds to a fund for Rawlins' family. It would be pleasant to believe that this accounts for the bonds mentioned in these entries. But surely Grant would have known it had this been so; surely the fund for the family was not included in the estate delivered to Grant as executor; and surely the Spanish Minister's list refers to a time before the fund was raised.

The list of printed books and pamphlets used in preparing this work is too long for citation. A convenient general bibliography is published in pp. 453-460 of William B. Hesseltine's life of Grant; for diplomatic affairs it is supplanted by Samuel Flagg Bemis's thorough bibliographical volume on American foreign relations. The annual volumes of *Foreign Relations* (none exists for 1869) are indispensable. Fish lived long enough to help revise the proofs of Bancroft Davis's *Mr. Fish and the Alabama Claims* (1893) which therefore has special usefulness; he also helped pay for its publication. A fact little known even by students is that the annual volumes of the official Register of the State Department during Fish's service contain a thorough and careful list of all Executive and Congressional documents embodying material upon foreign relations. They are invaluable.

Fish's own papers offer the main foundation for this work. They include the voluminous diary 1869-1877, of perhaps 1,000,000 words; his letter-books 1839-1893, in number 48, filled with copies or impressions of his letters; a great mass of letters received, which had been carefully indexed under the direction of Mr. John Bassett Moore before they were turned over to me; two European diaries by Mrs. Fish and two by Mr. Fish; nine pocket memorandum-books 1883-1891; engagement-books, scrapbooks, and loose clippings. In addition, Mr. Fish preserved volumes containing copies of all his manuscript instructions to our envoys abroad, copies of his correspondence with foreign legations in Washington, and miscellaneous material bearing on his work as Secretary of State. His papers also contain all the printed books and reports issued by the Department of State during his eight years; manuscript volumes of materials on such erring diplomats as James Watson Webb and John Jay; and copies of the important papers of Bancroft Davis and others.

In addition to these materials, I have used the archives of the Department of State; the Dominion Archives in Ottawa; and the Foreign Office papers in the Public Record Office in London. Among collections of manuscripts which I have used during the five years spent on this book are the N. P. Banks Papers in Salem, Massachusetts; the Sumner Papers in Harvard University; the John V. L. Pruyn Papers in Albany; the Daniel Sickles Papers in the New York Public Library; the Fabens Papers, privately owned, through copies lent me by Mr. Graham C. Lovejoy; the Jay Cooke Papers in Philadelphia through copies lent me by Mr. Reinhard H. Luthin; and in the Library of Congress, the Bancroft Davis Papers; the Elihu B. Washburne Papers; the Grant Papers and Letterbooks; the Moran Diary; the Logan Papers; the William E. Chandler Papers; and the Jeremiah S. Black Papers. My efforts to obtain manuscript materials from the grandchildren of John Lothrop Motley and the son of Benjamin H. Bristow were unavailing.

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